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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable SHELTON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

The PRESIDING OFFICER. Our friend, Rabbi Leslie Gutterman, rabbi for 40 years of the Temple Beth El in Providence, RI, will now lead the Senate in prayer.

The guest Chaplain offered the following prayer:

O God, whose spirit is with us in every righteous act, invoke Your blessing upon the elected representatives of our government. Enlighten with Your wisdom those whom the people have entrusted with the guardianship of our rights and liberties.

On this day, proclaimed as the International Day of Democracy, we pray that our country may ever be a beacon of freedom, justice, and peace. We pray for those in other lands who are oppressed and persecuted.

Grant that this new day not be lost to us. May it be filled with Your purpose and our labors rewarded by the satisfaction gained by all who pursue a life of righteousness, virtue, and honor. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELTON WHITEHOUSE led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 15, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELTON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The majority leader is recognized.

Mr. REID. Mr. President, I yield the floor to the Senator from Rhode Island at this time.

WELCOMING RABBI GUTTERMAN

Mr. REED. Mr. President, I rise to thank and commend Senator WHITEHOUSE for inviting Rabbi Leslie Gutterman here to deliver the prayer.

Les Gutterman has been an extraordinary figure in our State, a man of great wisdom, compassion and kindness, who has, since 1970, contributed extraordinarily to the State of Rhode Island and to the people of Rhode Island.

His congregation goes far beyond denominational lines. He is literally the rabbi for everyone. In fact, he is my rabbi, and I am pleased and proud to say that.

Mr. President, again, I am delighted to welcome Rabbi Gutterman here today.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, it is a great honor and a great pleasure to join my senior Senator JACK REED in welcoming Rabbi Leslie Gutterman from Providence, RI, here onto the

Senate floor to open the Senate on this day by leading us in prayer.

Rabbi Gutterman is a personal friend, but he is more than that. He is a person of real significance in the Rhode Island community. He has served as the rabbi of Temple Beth El for 40 years, which means he has officiated at the weddings of the children of people whose bar mitzvahs at which he officiated, and he has officiated at the bar mitzvahs of the grandchildren of people whose weddings at which he officiated. He is an important part of the Rhode Island community. He has been described as a community asset and a moral compass for Rhode Island. In addition, he is just a beautiful person.

He and his wife Janet have come here today to join us, and we are very proud and delighted that we could share this moment of the morning with our colleagues and with Rabbi Gutterman.

I yield the floor back to the majority leader with great pride in the presence of Rabbi Gutterman on our floor this morning.

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in morning business for 1 hour. The majority will control the first half and the Republicans will control the final half.

Following morning business, the Senate will resume consideration of H.J. Res. 66, which is a joint resolution regarding Burma sanctions and the legislative vehicle for additional FEMA funding. The filing deadline for all first-degree amendments to the substitute amendment and to H.J. Res. 66 is 1 p.m. today. I filed cloture on the substitute amendment and on H.J. Res. 66 last night. If no agreement is reached, there will be a cloture vote on the substitute amendment on tomorrow morning. We hope to reach an

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



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agreement to complete action on the joint resolution as well as FAA and highway extension today. Senators will be notified when votes are scheduled.

REMEMBERING SENATOR MALCOLM WALLOP

Mr. REID. Mr. President, Malcolm Wallop of Wyoming is a man with whom I served in the Senate for approximately 10 years. He represented the State of Wyoming. During that time, I can remember the work he and Alan Simpson did together—Alan Simpson, another retired Senator from Wyoming. Senator Wallop died yesterday. He was 78 years old.

Senator Wallop was a fine man. His roots in Wyoming stem back to pioneer ancestors in the Big Horn. Although he was born in New York, he served his country admirably in the Army and then worked for many years as a cattle rancher and businessman before running for office. He was extremely good friends with the great Nevadan Paul Laxalt.

There were occasions when Malcolm and I didn't agree on political issues, but he was always an agreeable man, a very fine man. I honor his service today, both as a soldier and a Senator, and certainly will miss him, as everyone in Wyoming will and all of his colleagues who worked with him here in the Senate.

HISPANIC HERITAGE MONTH

Mr. REID. Mr. President, in my office right across the hall, I have a wonderful picture painted by a Nevadan. It is a big painting, and it shows this handsome young man on this horse with all the trappings of a horse that is really nice, a nice horse and a beautiful saddle, and all the adornments on this man's clothes are good. I am sure the painting didn't take into consideration how he really looked when he arrived in the Las Vegas Valley because this man, Rafael Rivera, was the first non-Indian to see the Las Vegas Valley, and I am sure he was worn out and tired because he was basically lost. He was part of a Spanish expedition, and he left them almost 100 miles from where he wound up in Las Vegas. But for us, Rafael Rivera is the person who founded Las Vegas. He was able to see this beautiful place in 1829, and as a result of that, we have a number of facilities named after Rafael Rivera, as well they should be, in Las Vegas Valley.

The picture is painted perfectly. It shows Las Vegas Valley's Sunrise Mountain. The difference is, there are no people there. Now there are 3 million people in Nevada, and we have little Sunrise Mountain there. In the painting, there is no one or anything around it, but of course now there are buildings and hotels and lots of activity there.

Today, though, Mr. President, I join more than 50 million Hispanic Americans in the United States in marking the first day of Hispanic Heritage Month. This celebration of history and culture lasts through October 15. So I look forward to the opportunity of bringing Hispanic heritage and all it

has to Nevada and the rest of the country to honor the contributions of a population that is such an integral part of our national identity. For hundreds of years, Latinos have helped shape the face of this Nation.

I wrote a history of my birthplace, Searchlight, NV, and one of the interesting things I found in my research is that the railroad was built into Searchlight in the early 1900s, it is 26 miles, and it was a difficult railroad to build, but it was basically built by Mexicans who had come to the United States to do the labor that it took to do that. Some 7,000 of them built that railroad. It is not very long—26 miles long—but it took a lot of work to get it done.

So everyplace you go in America, everyplace especially you go in the West, you find contributions made by Hispanics. They have made contributions in the battlefield, in the workplace, and the classroom. They have spurred progress in the laboratory, playing field in all athletics, and, of course, in the halls of justice. They have shaped the way we farm and the way we do business. They have influenced our art and our literature. Construction sites of casinos and shopping centers around the State of Nevada—they have contributed mightily to that work that is being done and has been done.

The language has even influenced the name of the State of Nevada, which means "snow covered." Las Vegas means "the meadows" in Spanish.

Hispanic Americans have also played an important role in this Nation's Armed Forces, as I mentioned just a minute ago. They have served in every conflict since the Revolutionary War. Nearly 30,000 of them have fought for our country in Iraq and Afghanistan and are still fighting. I thank them for their brave and dedicated service.

Every year, Latinos help propel contributions to our economy. More than 2.3 million Hispanic-owned businesses employ millions of Americans and provide crucial goods and services.

Mr. President, before leaving the subject of veterans and the good things they do, I want to make sure the Republican leader recognizes that we all celebrate a Kentuckian who today is going to be awarded the Medal of Honor, for this 23-year-old boy, in the fields of Afghanistan, saved the lives of about 40 soldiers—1 person. They had a wonderful piece on public broadcast today about his courage and what he did—of course wounded himself, but he carried people to and from battle and saved the lives, as I indicated, of a couple score of people. His name is Dakota Meyer. So I congratulate the Republican leader for having such fine people come from the State of Kentucky.

Today, the Senate recognizes the commitment of more than 50 million Hispanic Americans, family, community, and country. And that is the way it should be.

FEMA

Mr. REID. Mr. President, I want to spread on the record how much I appreciate the support of the Republicans in allowing us to be able to get on the FEMA bill. We are on that bill now. We have some amendments pending. If we are not able to work out an agreement on that today, we will have votes on a number of cloture issues relating to that most important legislation affecting millions of Americans who have been devastated by Mother Nature.

I am disappointed, however, in one of our Republican colleagues who at this stage is holding up something that is so vitally necessary.

The House sent us two pieces of legislation that passed overwhelmingly in the House, one that will keep 1.7 or 1.8 million people working on highway and other construction around the country dealing with highways. That is an extension of 6 months. They also sent to us a 4-month extension, fully funded, of the Federal Aviation Administration, also vitally important.

Unless my friend, the junior Senator from Oklahoma, agrees to allow us to go forward, one Senator will stop 80,000 people from working. I hope he will reconsider. The issue he has presented is a little unusual. He says he doesn't like bike paths being part of the highway bill. Well, for most Americans they are absolutely important. They are good for purposes of allowing people to travel without burning all the fossil fuel on the highways.

I got up this morning very early, and I went out and did my exercise. I am not exaggerating, there were scores, at least 30 or 40 bikes—so scores may be a slight exaggeration—of people not just for exercise but traveling to work with backpacks on. That is what bike paths are all about.

We have told my friend the Senator from Oklahoma: If you don't like it, we will have a vote on it.

He said: I don't want a vote.

He said: Whatever I want, I want stuck in that bill.

We can't do that. That isn't what the House sent us, and we can't do that.

He said: Well, separate the two bills.

We have the bills from the House of Representatives. That is the arrangement we have made, and it is a good arrangement to get these two vitally important pieces of legislation passed so that we can keep people—almost 2 million people—working.

I am disappointed in that. I hope we can work something out during the day because it is really unfair for him to hold up this extremely important legislation.

There is not a State in the Union that does not have problems with 80,000 people laid off. In Nevada we have a new tower being built at McCarran Field. That is important. These people will have to stop working. That is wrong. One Senator? It is not fair to the Senate or to the country.

Will the Chair announce the business of the day?

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 for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and Republicans controlling the final half.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. 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.

EYE-OPENING POVERTY

Mr. DURBIN. Mr. President, the report this week about the rate of poverty in America is an eye opener. The numbers that have been reported are stunning. The number of Americans living in poverty now stands at 46.2 million people. That is an increase of 8.9 million since 2007, just in 4 years. This has increased significantly since the year 2000. The poverty threshold for a mother and father with two children is an annual income of \$22,000 a year. That is less than \$2,000 a month. So for that family of four, what we are seeing is 46 million Americans make less than that. I think all of us understand how difficult it is in this day and age to survive and raise a family, but this national poverty rate should be a wake-up call to us. I hope it puts a couple of things in perspective.

I spoke on the floor yesterday about visiting a warehouse in Champagne, IL, a warehouse for the food depositories in the area. It is a warehouse where they process and send out food for food pantries that are managed by local groups, churches and the like. Almost every State has them—I am sure they do. I was in this warehouse during the August recess to talk about the increased volume of people who are going to food pantries on a regular basis. I visit these food pantries to introduce myself to those who are coming in and to learn as much as they want to tell me about their circumstances.

At this warehouse in Champagne, IL, was a woman who was very attractive and well-dressed, standing there, and I assumed she worked at the warehouse. It turned out I was wrong because she said at one point she was a teacher's aide in the local school district. I thought, Why is she here? I kept think-

ing to myself, I wonder why she is here. Maybe she is on the board of this food depository. It turns out she was there to tell me her story. She is a single mom with two young children. She has a full-time job as a teacher's aide in the school district. Because her income is below the poverty level, she qualifies for not only food stamps but also uses these food pantries. She said to me she wanted to express her gratitude that we now have extended the SNAP program, the food stamp program, to include fresh produce, fruits, and vegetables. She said it means I can take my kids to the local farmers market and they get to meet the farmers and ask questions and hear stories about where these things come from, the fruits and vegetables we buy and, she said, I get to buy healthy food to give to my kids.

I never would have picked her out of a crowd as a person who needed help to feed her children—and she did. She told me: Without this, I would be struggling. It is an eye opener for all Americans, when we hear 46 million of us are living in poverty. These are our neighbors, our friends, the people with whom we go to church. These are folks you may see in the store. They are people who are struggling, many of them working but not making enough money. Some have full-time jobs, many have part-time jobs. It is a reminder, as we get into this deficit debate, never to lose sight of the safety net in America.

We are a kind and caring people. We have proven that over many generations. We do things many other countries do not do. For one thing, we have our young men and women volunteer to risk their lives in foreign lands to try to bring peace.

In addition to that, we have been engaged for over a century in helping other countries that are struggling. I just received a handwritten letter from two grade school children in Illinois about those who are starving in Somalia. It was a heartfelt letter, asking me to do something. That is not unusual. It is a sentiment expressed over and over again in our country. We need to have the same empathy and the same compassion for our own in America.

What that means is not only saying good things and perhaps helping through our churches and other charities, but also making certain that the safety net programs in our country are there for those who are struggling. We are engaged in a mighty debate now about deficit reduction. I have been part of it for a little while in some capacities. I keep reminding those who are in the debate that there are some programs that are absolutely essential. Some of them are obvious: the food stamp program, to make sure the lady I mentioned and others like her have enough food for their children; the Medicaid Program, which provides health insurance for one-third of America's children. In Illinois it pays for over 50 percent of births and it takes care of our elderly when they are in a

nursing home and run out of their savings.

As we talk about deficit reduction, let us focus on making certain at the end of the day the safety net is still in place. Let us make sure the childcare deductions that we have in the Tax Code are there for working families, the Earned Income Tax Credit, a program started under President Reagan which acknowledges that many people who are working still need a helping hand in our Tax Code; Medicaid, that I mentioned earlier; the food stamp program; housing programs for those who are homeless and need a helping hand. The safety net has to be honored and has to be preserved in the course of our deficit debate.

But I would also say, at this point, the President has challenged us to stop giving speeches and to start moving forward on getting America back to work. He made a proposal in last Thursday's joint session of Congress to give working families across America a payroll tax cut. What would it mean in Illinois? The average income in Illinois is about \$53,000 a year. The President's payroll tax cut would be worth \$1,400 to every family making that amount of money. That is \$120 a month. It may not sound like much for people who are wealthy, but for those who are struggling paycheck to paycheck, it could make a difference.

President Obama wants to give more income security to middle-income families. That is what his proposal is about. He has turned around and said when it comes to small businesses, let us give them incentives to hire the unemployed. The only line the President delivered a week ago that I remember got a standing ovation from both sides is when the President said let's incentivize employers to hire our veterans. Everybody stood up. We know that is the right thing. They served our country, they came home, and we ought to give them a hand to help them. That is part of the President's plan.

But he went beyond that and said if people have been unemployed and an employer is willing to hire them, let us give them a tax credit to do it. The President is moving tax benefits to small businesses, the so-called job creators we hear so much about, and I believe they are, as well as to working families. But it is all paid for. This is where many Republicans take exception.

How does the President pay for getting America back to work? He asked for sacrifice from the wealthiest people in America. There are some members of the Republican Party who would not impose 1 penny more in taxes on the wealthiest people in America. They are prepared to see every other family in America sacrifice except for those who can sacrifice without feeling any pain in their lives. I don't think that is fair and I think the President is right. Those who are making the highest incomes in America should join with

every other family in America and help us get beyond this recession.

Also, the President starts eliminating the subsidies, the Federal subsidies for oil companies. I don't have to remind Americans what the price of gasoline is; they know it. In Illinois it is over \$4 a gallon in many places I traveled to during the recess. These oil companies are witnessing the highest profits in the history of American business. The President has said, and I agree: It is time to cut the Federal subsidy, the tax subsidy for oil companies, these profitable companies that make so much money for their shareholders and give so many bonuses to their officers.

Many Republicans object. They do not want to raise taxes on the oil companies. They do not want to raise taxes on the wealthiest people in America. I think they ought to put it in perspective. If we can help middle-income and working families get through the recession, stop living paycheck to paycheck and have a little bit of a cushion in their lives, if we can give small businesses incentive to hire Americans and turn this economy around, that is what America needs. Let's get beyond the rhetoric that has stalled efforts in Washington. Let's get beyond the obstructionism and the obstacles. Let us finally work together with the President's leadership and come up with a plan to put America back to work.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

TRIBUTE TO SERGEANT DAKOTA MEYER

Mr. McCONNELL. In a ceremony at the White House this afternoon, SGT Dakota Meyer of the U.S. Marine Corps will become the first living Marine recipient of the Medal of Honor, our Nation's highest award for valor, the first recipient in 41 years.

The Medal of Honor is awarded for conspicuous gallantry and bravery at the risk of one's own life, above and beyond the call of duty.

Every American can be proud of Sergeant Meyer, age 23, for his exceptional valor in combat in Afghanistan. I am particularly proud that Sergeant Meyer is a Kentuckian. I am honored that heroes like him come from the Bluegrass State. Sergeant Meyer hails from Columbia, KY, and is a 2006 graduate of Green County High School where he played on the football team. On September 8, 2009, his unit assignment was with Marine Embedded Training Team 2-8, Regional Corps Advisory Command 3-7, operating in Kunar Province, Afghanistan. That day he was sent to aid a group of marines, soldiers, and Afghans trapped under heavy enemy fire from three different sides. "We're surrounded," one of them broadcast over the radio. "They're moving in on us."

Air support to assist the Marines was unavailable, as the fighting was too

fierce for helicopters to land. Then Corporal Meyer requested permission to enter the zone of fire to come to their aid four times, and four times his request was denied. After four denials he decided to go anyway, in an armored vehicle mounted with a .50-caliber machine gun with one other marine as a driver. Twice they attempted to reach their comrades and twice were forced back by bullets, rocket-propelled grenades, and mortars. A bullet hit the vehicle's gun turret, striking Corporal Meyer's elbow with shrapnel. Ignoring his injury, he left the vehicle and charged ahead alone to rescue his fellow fighters. Under intense enemy fire, he reached a trench where helicopter pilots had reported their position. There he found his three fellow marines and a Navy hospital corpsman all dead from gunshot wounds. Still under fire, Corporal Meyer carried their bodies back to a humvee with the help of Afghan troops and escorted them to a forward-operating base about 1 mile away. He was determined to fulfill the Marines' credo, to never leave a marine behind. Corporal Meyer and the three marines whom he refused to abandon all knew each other well and worked together in the same four-man training team. He considered them close friends.

In addition to the four Americans Corporal Meyer pulled out of the firefight, a U.S. Army soldier and at least eight Afghan troops plus an Afghan interpreter were killed in the attack. They had faced more than 50 enemy insurgents armed with machine guns, assault rifles, and rocket-propelled grenades during a 6-hour firefight.

Now a sergeant, Meyer combines his great heroism with great humility. He said:

This isn't about me. If anything comes out of it for me, it's for those guys.

He left Active-Duty service in June 2010 and currently serves in the Inactive Ready Reserve of the U.S. Marine Corps Reserve.

I know my colleagues join me in saluting SGT Dakota Meyer for his extraordinary display of selfless valor, for which he will be awarded the Medal of Honor at a White House ceremony this afternoon. He may not think of himself as a hero, but his country certainly does. His heroism and meritorious service has already been recognized in the many awards, medals, and decorations he has received, including the Purple Heart Medal, the Navy and Marine Corps Commendation Medal with "V" Device for valor, the Navy and Marine Corps Achievement Medal, the Good Conduct Medal, and the Combat Action Ribbon.

His fellow Kentuckians and an entire grateful Nation thank him for his service. Brave men and women like him honor us and our country and make us proud that America boasts the finest Armed Forces in the world.

THE ECONOMY

Mr. McCONNELL. It has been 1 week now since the President unveiled his second stimulus. Today, 1 week later, White House aides are expected to hold a briefing to explain it all to the Democrats who do not understand the details.

One would think they would want to be briefed on details before the President demanded they pass it right away, not after. Then, again, the White House probably expected stronger support from Democrats than it has gotten so far. After all, this bill's top selling point, according to the President, is that both parties should like it. Yet so far the only thing both parties in Congress seem to agree on is there has to be a better way.

Earlier this week, after several of us suggested the President would have a hard time convincing Members of his own party to support this plan, a number of them have proved us right. While the President was in Ohio insisting over and over that Congress pass the bill, it seemed as though the only Democrats who were even willing to talk about it on Capitol Hill were tearing it apart. We had the Democratic majority leader basically treating it like a legislative afterthought. One freshman Senator called parts of the bill frustrating and unfair. Another Democrat called a central part of the bill terrible. One veteran Democrat was tamping down expectations of it passing in one piece. Another veteran Democrat suggested a completely different approach to jobs. I know the President and his advisers are keen on this idea of making Republicans look bad, but from what I can tell, he has a big problem at the moment lining up supporters in his own party.

That brings me to the real issue. The truth is, the President has a problem that no amount of political strategizing can solve: His economic policies simply have not worked. Yet he and his advisers seem to be the only folks in Washington who are not ready to admit it. We are in the middle of a crisis. The average length of unemployment is at an alltime high. Median income is going down instead of up. Poverty levels are higher than they have ever been in two decades. Millions of Americans cannot find work. The numbers just keep getting worse and the President's solution is to demand another Washington stimulus bill. Is that because the first one worked out so well?

The first stimulus is a national punch line: turtle tunnels, sidewalks to nowhere, and now we are hearing reports that the White House fast-tracked a \$½ billion loan to a politically connected energy firm that their own analyst said was not ready for prime time. This place, this energy firm, was supposed to be the poster child of how the original stimulus would create jobs. Now it is bankrupt and most of its 1,100 employees are out of work. And they want another stimulus?

Even if we do not know about any of the waste or the alleged cronyism, here is the bottom line: 2½ years after the President signed the first stimulus, there are 1.7 million fewer jobs in this country. That is 1.7 million fewer jobs after borrowing and spending \$825 billion to create them. What more do we need to know than that? We have done that. We have gone down that road before. Shouldn't we try something different? How about we do what just about every job creator in America is telling us they need in order to create jobs? Tax reform. Loosening the grip of government regulations and free-trade agreements. That is how we will create a better environment for jobs in our country. It might mean the President doesn't get his tax hikes, but it would mean more jobs.

I know some people sometimes get attached to a single idea, and this President seems to have come into office with one big idea; that there is not a problem we have in this country that bigger government cannot solve. At a certain point, we have to take stock. We have to check the results and see how we are doing. I think it is pretty clear to most people what the results suggest. It is time to change course.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, how much time is remaining on the Democratic side?

The PRESIDING OFFICER. There is 18½ minutes remaining on the Democratic side.

Mr. DURBIN. I see several of my Republican colleagues, and I would like to ask unanimous consent that they be allowed to use their morning business time and our 18½ minutes remaining be preserved until after their speeches.

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

The senior Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, the Republican Senators have come to talk about education, No Child Left Behind, and I ask consent to engage in a colloquy.

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

Mr. ALEXANDER. The Senators who will be here will be Senator ISAKSON, Senator BURR, Senator KIRK, and Senator ENZI. Will you let each of us know when we have consumed 5 minutes?

The PRESIDING OFFICER. The Chair will do so.

REFORM OF NO CHILD LEFT BEHIND

Mr. ALEXANDER. Mr. President, in the world in which we live, every American's job is on the line. As every American knows, better schools mean better jobs. Schools and jobs are alike in this sense: Washington cannot cre-

ate good jobs and Washington cannot create better schools, but Washington can create an environment in which others can create good jobs and environments in which teachers and principals and students and communities can create better schools, along with their parents.

A good place for Washington to start is with the five pieces of legislation we introduced today to fix the law known as No Child Left Behind. No Child Left Behind was a bipartisan effort in 2001 and 2002. President Bush and Democratic Members of the Senate and the House and Republicans as well agreed on it. By the 2013-14 school year, the law said that all 50 million students in nearly 100,000 public schools would be proficient in reading and math. There would be State standards, tests to measure performance against those standards, and requirements that the more than 3,000 teachers in America be highly qualified. There would be school report cards, disaggregated by subgroups of students, and schools that failed to make what was called adequate yearly progress would receive Federal sanctions. There would also be more choices of schools and charter schools for parents.

During the last 9 years, Federal funding for elementary and secondary education programs has increased by 73 percent, while student achievement has stayed relatively flat. Our legislative proposals would set a new, realistic, but challenging goal to help all students succeed and to end the Federal mandates which have Washington, DC deciding which students and teachers are succeeding and failing.

Our legislation would require States to have high standards that promote college and career readiness for all students and would continue the reporting of student progress so parents, teachers, and communities can know whether students are succeeding. It would encourage teacher and principal evaluation systems, relating especially to student achievement, and would replace the Federal definition of a highly qualified teacher. It would consolidate Federal programs and make it easier to transfer funds within local school districts. It would expand charter schools and give parents more choices. For the bottom 5 percent of schools, the Federal Government would help States turn them around. Much has happened during the last 10 years, and it is time to transfer back to States and to local governments the responsibility for deciding whether schools and teachers are succeeding or failing.

Since 2002, 44 States have adopted common core academic standards. Two groups of States are developing common tests to see whether the students are meeting those standards, and more than 30 States are working together to develop common principles for holding schools and districts accountable for student achievement. Thanks to No Child Left Behind, we now have several years of school-by-school information

about student progress that puts the spotlight on success and puts the spotlight on where work needs to be done.

In addition, many States and school districts are finding ways to reward outstanding teaching and school leadership and to include student performance as a part of that evaluation. As common sense as that idea may seem, it was not until Tennessee created the Master Teacher Program in 1984 that one State paid one teacher one penny more for teaching well. All the sponsors of the five pieces of legislation we introduced today are Republicans. Many of the ideas were either first advanced or have been worked out in concert with President Obama and with his excellent Education Secretary, Arne Duncan, as well as with Democratic Senators here and with Republican and Democratic colleagues in the House. In other words, we have made a lot of progress.

In the Senate, my judgment is that we are not far from agreement on a bipartisan bill, with most of the differences of opinion centering around what I would characterize as provisions that would create a national school board. We on the Republican side want to continue to work with our colleagues across the aisle and in the House. Our purpose in offering our ideas is to spur progress so we can enact a bill before the end of the year. The House of Representatives has passed its first bill to fix No Child Left Behind with bipartisan support. It would expand charter schools and is similar to the charter school bill Senator KIRK will introduce today. The President has met with us and given us his blueprint. The Secretary has warned us that, under existing law, most schools will be labeled as failing within a few years, and he is proposing to use his waiver authority to avoid that. The Secretary clearly has that waiver authority under the law, and I support his use of it in appropriate ways.

I am introducing legislation today to make it clear that the appropriate use means using the waiver to accept or reject State proposals based upon whether those proposals enhance student achievement and not to impose a new set of Washington mandates. But the best way for us to relieve the Secretary of the need to consider waivers and to help American children learn what they need to know is for us to work together in the Senate and in the House to fix No Child Left Behind.

Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks, and following the remarks of all the Senators, the following documents: Why we need to fix No Child Left Behind; how the environment has changed in the past 10 years; a summary of the nine proposals Secretary Duncan, Senator HARKIN, Senator ENZI, and others of us have worked on; a summary of the legislation introduced by Senator ISAKSON to fix title I; a summary of the legislation that I am

a principal sponsor of to fix title II; a summary of Senator BURR's proposal on titles II and IV; a summary of Senator KIRK's legislation on charter schools; and a summary of the legislation that I am also introducing on waivers.

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

(See exhibit 1.)

The PRESIDING OFFICER. The Senator's 2 minutes has expired.

Mr. ALEXANDER. Mr. President, Senator ISAKSON of Georgia has a distinguished career in education, not just as a leader in the Senate of Georgia, but as chairman of the Georgia School Board, appointed by Gov. Zell Miller, and as a former Member of the House of Representatives who was a key author of No Child Left Behind when it was enacted in 2002.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank the great Senator from the State of Tennessee for his recognition and whose own record in education is quite distinguished, including his tenure as a university president at the University of Tennessee, to his leadership on the Health, Education, Labor, and Pensions Committee, and, obviously, his service as Secretary of Education for the United States of America.

I appreciate the reference to 10 years ago when we wrote No Child Left Behind. There were nine of us, five Republicans and four Democrats, who locked ourselves up in the House Education Committee offices for about 6 weeks writing the document that became the law of the land, and it has served the country well for 20 years.

A title I provision of that is the free and reduced lunch provision, which is the main title of the Elementary and Secondary Education Act, and it is the main title that delivers educational entitlements, requirements, and regulations under No Child Left Behind.

The reason I am the principal sponsor of the removal—not the removal but the reform—of title I is because No Child Left Behind requirements under title 1 have worked and it is time to go to the next step. I wish to be very specific about saying it has worked.

As everyone knows, adequate yearly progress, or AYP, is the goal of title I, to see to it that every child every year is making adequate yearly progress toward improvements in reading comprehension and mathematics. When we started AYP, we knew when we wrote it that if the bill worked, it would become harder and harder and harder to reach AYP because the baseline was being built every single year.

The reason Senator ALEXANDER talked about so many schools falling into "needs improvement" is because we pushed the achievement level so high that meeting AYP on a continuing and improving basis is difficult. So it is time to terminate AYP as a requirement of the bill, but it is not time to throw out the system that made it work.

Disaggregation of students, first of all, was critically important. Public education in the United States prior to the No Child Left Behind law exhibited school systems and schools that basically hid behind mean average scores or an ITBS mean average score. This comparison of ITBS test scores to other States in the Nation is an aggregation of all students' performance and an averaging of that performance. It took the eye off the ball and the individual student.

So what No Child Left Behind says is, test every student and disaggregate them by sex, race, disability, by non-English-speaking, and rate each disaggregated group by AYP. If only one school fails to make adequate progress, then the whole school goes to "needs improvement." So we have a lot of schools labeled "needs improvement" while making the best improvement they have ever made. So it is time to end AYP, but it is not time to end disaggregation or the test scores.

The greatest accountability measure—and all of us as politicians know it—is transparency. This bill will require the transparency of all the test scores of each individual child and the transparency of each individual in each individual disaggregated group to ensure we continue to know how our kids are doing and compare them on a year-to-year basis. But we do away with "needs improvement" because it has served its purpose.

Now, on disaggregated groups there is one other thing the title I change does that I want to particularly emphasize on the Senate floor today. The biggest disaggregated group in terms of causing schools or systems to fall under "needs improvement" is those special needs children considered under IDEA or the Individuals With Disabilities Act. They are all individuals who have an individual disability that affects their academic achievement or their ability to learn.

When we passed IDEA in 1978, if I remember correctly, through Public Law 94-142, we dictated that we would give special emphasis and training to those special needs kids and try and identify their special needs and meet them within the public education system. When No Child Left Behind disaggregated them into a single group and tested them, we tested 98 percent of them with the same paper and pencil test. These are kids with a plethora of disabilities that one single test could not possibly meet. We gave a 2 percent cognitive waiver, disability waiver, so they could have an alternative assessment for up to 2 percent of the students, but 98 percent had to take the same test.

This reform of the IDEA portion of title I of No Child Left Behind simply says this: Every year, at the beginning of the school year, when the parent and the teacher and the school meet to put out the individual education plan, the IEP for that student, the parent, the teacher, and the school will determine

what the assessment vehicle is that best measures the assessment of that child—not a single, one-size-fits-all, paper-and-pencil test. That is going to ensure that IDEA students get the individual attention they deserve and the measurement against the individual disabilities they have that is appropriate as approved by their parents, their teacher, and their school, and it will make a remarkable difference for IDEA kids.

I am very proud of that provision and the flexibility it gives to the system to assess appropriately rather than force a one-size-fits-all test against 98 percent of our children with disabilities.

So to repeat what I said at the beginning—

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. ISAKSON. It is a good time for me to repeat what I said at the beginning. I am proud to be building on the success of No Child Left Behind, and I am proud that Senator ALEXANDER has taken leadership on this committee to move forward on this reauthorization of IDEA and No Child Left Behind.

Mr. ALEXANDER. Mr. President, I thank Senator ISAKSON for his leadership in education in the State of Georgia and on this bill.

Senator RICHARD BURR of North Carolina has focused on elementary and secondary education for many years, especially on making it easier for local school districts to use the Federal dollars that are made available and on finding ways to encourage student and teacher evaluation. He is introducing a bill, which I am proud to cosponsor, amending titles II and IV of the Elementary and Secondary Education Act.

Mr. BURR. Mr. President, I thank the Senator from a State once owned by North Carolina, and a distinguished Member of this August body.

What are we doing here today? We are responding to what every CEO has said and every local leader has said and every parent has said: If you want a future in this country, you have to fix K-12 education. We have to make sure every child in this country has the foundational knowledge to meet whatever challenge they are faced with in a lifetime.

Washington is good at coming up with new programs and, to be honest, when we look back over the history of the last couple decades, every year we come up with a new program to fix K-12. What is obvious? We never fix it. But what we hear loudly and clearly from people who are on the front lines—those elected and those non-elected and those who are charged with educating our children—is give them flexibility. We can't design one program in Washington that works in Raleigh, NC, and works in Knoxville, TN, much less in rural North Carolina or rural Tennessee.

What I propose is very simple: that 59 pots of money, 59 different programs, be merged into two pots, and that

those local school systems have the flexibility and the capability to choose what they are going to use that money for to educate our kids. What a novel thought, that we would take the people on the front line—for the first time, I am suggesting that Washington give up the power we have to say: You do it our way or you will not get the money.

We are faced in the future with some degree of austerity. We are not going to have the money to throw it out and see what works. But that is Washington's typical response. Now it is time to begin to focus not on that we think works but what the teachers and the principals and the elected officials locally, but more importantly, the community decides works.

Senator ISAKSON alluded to a number of factors we use as to how we gauge success or failure. I will tell my colleagues the gauge we ought to have: What does a parent think? The likelihood is that by the time we get those standard tests, it is probably too late to fix it for their kids, but it may fix it for somebody else's.

What we are attempting to do today as we reform K-12 education through these bills is to lay the gauntlet down and say that no child will be exposed to an inferior education in the future because we are going to empower—not Washington—we are going to empower the local community.

Again, what I am simply doing in the Empowering Local Education Decision Making Act of 2011 is to take 59 programs under elementary and secondary education and put them into flexible foundational block grants. Some might say the State is going to steal money off it. No. We limit it to 1.5 percent to administer the program. It has a formula that satisfies exactly how this money is going to be distributed so it is done fairly.

Where we don't exercise Washington authority is we don't tell the local school system: Here is the only way you can use it. We say to the local school system: Here are 59 programs. You pick the ones that best fit what your needs are in your community. In addition to that, those two pots of money we have created are 100 percent transferable. If you feel that one pot doesn't meet the need which might be in your area, then you can shift all of that money over to the other pot. So if you believe that focusing on teacher quality is better versus students, you have the flexibility to do it without asking us for a waiver. In addition to that, if title I is where you need additional funds, both pots of money are transitional to title I for additional support for at-risk kids.

That is something we have never done. Just this week I received a letter from the Council of Great City Schools, a coalition, by the way, of our Nation's largest central school districts. In their letter they wrote this:

Both Title II and Title IV of the Elementary Secondary Education Act have become unwieldy and unfocused over the past au-

thorizations, and are in substantial need of rewriting. Your effort to simplify and clarify the purposes and flexibilities within these key programs is noteworthy.

With budgetary constraints faced at all levels of government, streamlining federal requirements, providing predictable and consolidated formula-based funding streams to local school districts, and ensuring local district decision making in the use of funds under your bill is particularly welcome.

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

Mr. BURR. I urge my colleagues to read these bills. Look at your school systems. Make a decision that is right for the future of every child in this country and support our reauthorization efforts.

I thank the Senator from Tennessee. Mr. ALEXANDER. Mr. President, I thank the Senator from North Carolina, Mr. BURR, for his insight and leadership on how we help create an environment in which teachers, parents, principals, and community leaders can make schools better, rather than through orders sent from Washington telling them how to do that.

Senator KIRK from Illinois will be here in a few minutes to introduce the charter school bill, which is the same bill that passed the House of Representatives yesterday with 365 votes in a bipartisan way.

As I mentioned at the outset, our purpose is to get things moving. We think there ought to be a law before the end of the year that fixes No Child Left Behind. Toward that end, the senior member of the Senate Health, Education, Labor and Pensions Committee, Senator ENZI of Wyoming, began to meet quietly more than a year ago with the chairman of the committee, Senator HARKIN, and with Secretary Duncan and, on some occasions, with the President. They were able to come to a good deal of agreement about fixing No Child Left Behind, and then, on the nine areas we would focus on, which I put into the RECORD a few minutes ago.

Senator ENZI is here now, and I thought he might want to speak about that effort. While all of us who are introducing these bills today are Republicans, we are only doing this as a way of moving the process forward and are hoping to attract Democratic support so we can end up with a bipartisan result. I believe, at the same time, that Senator ENZI is continuing to meet with Senator HARKIN, the chairman of the committee, with the hope that we will achieve that bipartisan result.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I wish to thank the Senators who have spoken for all of their efforts and thought. A lot of times people think that what is being discussed on the floor is the only thing that is happening in the Congress. There are things happening in the background that are probably achieving more than the debates that happen here. A lot of times what people get to see here is the blood on the floor

that results in nothing. But everyone recognizes the importance of education and recognizes that there has been a significant effort made since 1965 with K-12 education. It has been renewed several times. In every single instance, it has been renewed in a very bipartisan way. We want that to continue to happen. The value of the Senate and the House is to have a lot of different opinions on how something can be done and then to bring those together to form something usable in whatever area we are working on.

I cannot thank Senators ALEXANDER, ISAKSON, BURR, and KIRK enough for the work they have done in this area. It does help us to focus, and I am working with Senator HARKIN to try to come up with a bipartisan bill. I think we have been making good progress. I have used the nine core components of these bills that Senator ALEXANDER mentioned as reasons for stepping back and taking a look at what we are doing to make sure the States can have as much of a role as possible, but the local people have an even greater role in what is happening in education. That is where we are trying to keep the focus, and this has been very helpful in my discussions with Senator HARKIN, to make sure we stay on track with those things.

Senator ALEXANDER mentioned the nine things. Secretary Duncan traveled through most of the United States holding listening sessions to find out what kind of problems people had. He agreed that the nine things we had on this list were the problems with No Child Left Behind that needed to be fixed. Senator HARKIN looked at that list and agreed in the same way.

We have come up with some solutions, and those need to be put in a bill, and that bill needs to be passed this year. Next year we get into Presidential elections. I cannot see where that is going to make things more bipartisan or help education. There are a number of things that No Child Left Behind did. One is the disaggregation, which did show some problems across the country, where kids were being left behind. A lot of times when we focus on education, we focus on the State and on the school district. Once in a while we focus on the school. But what we have been trying to do is get the focus on the kid to make sure our children are learning what they need to know to be able to survive. That is one of the places we will be able to greatly improve as we move on in this effort.

One of the surprises to everybody will probably be to find out that the Federal Government only requires one Federal test. You always hear about all the testing the kids have to take across the Nation. A lot of that is locally imposed, but they are tests they think are necessary. But the Federal Government says you need to have one at the end of the year, and that is what we have concentrated on with the disaggregation.

There have been a lot of surprises for people as they actually take a look at

what that rather voluminous bill has in it. I think we are moving to a point where we should be able to get something done and get something done relatively quickly. Again, it will be because of the work of these people who have put together some bills to bring attention to some very specific parts that need improvement. I thank them for doing that.

I yield the floor.

Mr. ALEXANDER. Mr. President, I thank Senator ENZI and I thank him for his leadership and the constructive way he and Senator HARKIN are working together.

I should emphasize, as I said in my remarks, the respect all of us have for Secretary Duncan. He has done a terrific job staying in touch with us without regard to political party, and the President and he have stuck their necks out on some issues that are not entirely popular with their Democratic constituency. We respect that as well.

As I said, our effort is to take these ideas and recognize we are in the ninth year of a bill that was supposed to be fixed after 5 years, and to get it done before the end of the year.

One example of what we could do the Senator from Illinois will talk about. He has been the leader on expanding opportunities for parents and communities to use charter schools. The House of Representatives acted on that bill yesterday.

Senator KIRK.

Mr. KIRK. Mr. President, joining as part of this effort, I think we need to reform No Child Left Behind and that we should focus on making sure we preserve disclosure and the right of parents to know how their schools are doing, without destroying the school, without having an AYP measurement that somehow says most, if not all, schools are failing.

As part of this effort, I am introducing the Empowering Parents Through Quality Charter Schools Act to emphasize charter schools and to make sure their opportunities are more widely available to parents and children, especially in inner cities.

This is a chart I have in the Chamber that shows the top 10 nonselective—meaning they take everyone—public high schools in Chicago. They are ranked in order of ACT scores. You can see from the chart, Lincoln Park High School is No. 1, not a charter school. But in the top 10, 8 of them are charter schools, and these are in some of the toughest neighborhoods in Chicago. That is why this is one of the No. 1 issues being discussed right now in Chicago. Mayor Emanuel is doing an outstanding job of leading a reform effort to make charter schools more available, to expand the day of instruction, and to expand the number of days in the school year because right now Chicagoland suffers from some of the lowest numbers of days of instruction in the country. Right now, for example, in Chicagoland, only about 10 percent of kids have the opportunity to go to a

charter school. I think we should set a goal of at least 50 percent having that opportunity.

Recently, I was able to visit the Noble Street School, also another school which was represented about 99 percent African American, with overwhelmingly free and reduced-lunch kids. This school is outperforming all of its peers, despite not having any selection criteria, and being able to take kids from all walks of life, including special-needs kids.

We are seeing something working here. Mayor Emanuel sees it. I see it. That is why in the House of Representatives, when the companion legislation was considered, 365 Representatives, including well over 100 Democratic representatives, supported our charter school bill. We are introducing the companion bill over here. I am hoping for equal amounts of bipartisan support because what we see is working in Chicago can work elsewhere.

The charter school movement has generally focused on inner cities. But I want to make sure charter schools are offered to kids in Peoria, in Springfield, in Rockford, and in Metro East. So the kind of success we are seeing here—8 out of 10 top performers being charter schools—is something I think we should have offered here. That is why I applaud our ranking member and especially Senator ALEXANDER for putting together this group of bills to offer higher education performance for America's kids, especially in the tough global political environment they will be in.

With that, I yield back to our leader on this joint effort and the ranking minority member and thank them for the opportunity to speak.

Mr. ALEXANDER. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Fifteen seconds.

Mr. ALEXANDER. Thank you, Mr. President. Every American knows that every American's job is on the line. Every American knows that better schools mean better jobs. We are ready to work with the President and with our Democratic colleagues to create an environment for better schools in this country by fixing No Child Left Behind.

Mr. President, I yield the floor.

EXHIBIT 1

ELEMENTARY AND SECONDARY EDUCATION: HOW HAS THE ENVIRONMENT CHANGED OVER THE PAST 10 YEARS?

1. Standards: All states have content standards in place for reading/language arts and mathematics. 44 States are working together in a Common Core state-led effort to improve their standards.

2. Assessments: All states are conducting annual assessments in reading/language arts and mathematics that are aligned to state standards and are publicly reporting their results. Two groups of states are working together to develop common assessments aligned to the Common Core standards.

3. Data: Disaggregation of data by states and districts provides greater information on

how schools and students are performing by race, income, English proficiency and disability. This makes it easier to identify the achievement gaps and target efforts to address problems.

4. Auditing: All states are participating in the National Assessment of Educational Progress, NAEP/Nation's Report Card, which serves as an audit of the quality of state standards and assessments.

5. Robust Awareness: Because of data, parents, teachers, principals, legislators, and Governors are paying more attention to education issues, and thus holding their districts, schools, and teachers accountable.

6. Charter School Growth: The number of students enrolled in public charter schools has more than tripled to 1.4 million and the percentage of all public schools that were charter schools has increased from 2% to 5%, comprising 4,700 schools nationwide.

7. School Choice: Not much, but some growth in school choice (i.e. Milwaukee, Florida).

WHAT THE NATION HAS LEARNED FROM NO CHILD LEFT BEHIND: THE GOOD AND THE BAD

THE GOOD

Disaggregated Reporting: The disaggregation of data by subgroups has allowed us to see how all students are performing.

Annual Assessments: Provides basic information on the performance of students in mathematics, English/Language Arts, and Science.

Public Reporting: Increased public reporting of state, district, and school performance has provided the public with better information on the quality of local schools.

Parental Involvement: Provides greater information to improve parental involvement in school-level decisions.

THE BAD

Goal of 100% Proficiency by 2014: Sets unrealistic and unproductive mandate that all students are proficient by 2014.

Adequate Yearly Progress (AYP): Rigid federal mandates of how to achieve proficiency and tells states from Washington which schools are succeeding and which are failing.

Highly-Qualified Teachers (HQT): Onerous federal definition of what constitutes a qualified teacher.

Unfunded Mandates: Federal mandates far exceed the 9-10% federal investment in education.

Ineffective spending: Dedicates billions in limited federal dollars to small and ineffective programs that don't have a record of success.

WHY WE NEED TO FIX NO CHILD LEFT BEHIND

100% proficiency by 2014 will not happen.

Adequate Yearly Progress with its prescriptive 64-part formula will result in every school getting a failing grade.

Teachers focus too much on testing and no one understands what the results mean.

Sanctions impact rural schools more.

Highly Qualified Teacher requirements create unusual restrictions particularly with respect to rural, special education, and English as a second language teachers.

State and local flexibility is limited and there are duplicative and overlapping programs.

Allowable uses of federal funds are too limited and restrictive.

One size fits all mentality of Washington's "good" ideas. We need local solutions.

Parents are too often left out of the equation.

HOW TO FIX "NO CHILD LEFT BEHIND"

1. Set a new, realistic but challenging goal to help all students succeed.

2. Free 95% of schools (91,000 schools) from the federal requirement of conforming to a

federally-defined adequate yearly progress mandate.

3. The federal government will help states fix the bottom 5% of their schools (4,500 schools).

4. Require states to have high standards that promote college and career readiness for all students.

5. Encourage the creation of state and school district teacher and principal evaluation systems to replace federal highly qualified teacher requirements.

6. Continue necessary reporting so that parents, teachers, schools, legislators, and communities receive good information on schools.

7. Provide school districts with the ability to transfer funds more efficiently among the five largest federal education programs.

8. Consolidate and streamline more than 80 programs within NCLB and eliminate those that are duplicative and unnecessary.

9. Empower parents.

HOW TO FIX "NO CHILD LEFT BEHIND"

1. Set a new, realistic but challenging goal to help all students succeed. Establish a national goal that all students will be 'college and career ready' by high school graduation. States will use annual reading and mathematics assessments, including student growth, to measure progress toward the goal.

2. Free 95% of schools (91,000 schools) from the federal requirement of conforming to a federally-defined adequate yearly progress mandate. 95% of schools will no longer face federal sanctions. These schools will continue annual reading and mathematics assessments and public reporting requirements. The emphasis will be on helping states to catch these successful schools and struggling schools doing things right, instead of announcing their failure.

3. The federal government will help states fix the bottom 5% of their schools (4,500 schools). States will identify, for federal accountability purposes, the bottom 5% of schools that receive Title I funding. These schools will be required to choose an intervention model from a defined list of options. The models will be broad and include options for rural schools and provide flexibility for state innovation.

4. Require states to have high standards that promote college and career readiness for all students. Require states to adopt 'college and career ready' standards that are aligned with higher education, career and technical education standards, and workforce skills within the state. There will be no preference or prohibition for states to adopt a specific set of standards, including the Common Core standards.

5. Encourage the creation of state and school district teacher and principal evaluation systems to replace federal highly qualified teacher requirements. Encourage states and school districts to develop teacher and principal evaluation systems to identify high performing teachers and principals and eliminate the federal "highly qualified teacher" definition. Innovative teacher and principal pay programs will continue to be supported through the Teacher Incentive Fund program.

6. Continue necessary reporting so that parents, teachers, schools, legislators, and communities receive good information on schools. States, school districts and schools will continue to report information regarding student achievement on annual reading, mathematics and science assessments. Other reported information will include high school graduation rates and teacher certification. All of this information will continue to be disaggregated by race and ethnicity, socio-economic status, disability status, English proficiency, gender, and migrant sta-

tus to maintain public accountability for all student subgroups. Unnecessary and irrelevant federal reporting requirements will be eliminated.

7. Provide school districts with the ability to transfer funds more efficiently among the five largest federal education programs. School districts will have more flexibility to meet their local needs by transferring funds among the 5 major federal education programs. This will allow school districts to better target federal resources to improve student academic achievement.

8. Consolidate and streamline almost 60 programs within NCLB to allow State and local leaders to meet student needs in their states and districts. Consolidate the programs authorized in NCLB into flexible funding streams that allow States and local school districts to fund locally-determined programs that meet the unique and specific needs of the students in their States and districts.

9. Empower parents. Parents will receive meaningful information on the performance of their children's schools so they can be more effectively involved in their children's education. The law will continue to support the expansion of high-quality charter schools. For those parents whose children attend the state-identified bottom 5% of schools, they will have the option of public school choice to transfer to another public school.

THE ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 2011

EMPOWERING STATE AND LOCAL EDUCATION LEADERS TO IMPROVE PUBLIC SCHOOLS

Establishes College & Career Readiness Goal: States are asked to develop and maintain academic content standards and assessments that will prepare students for college and career-readiness without interference by the Federal government about whether to work alone or in partnership with other states.

Empowers State and local leaders to develop their own accountability systems: Instead of a "One Size Fits All" Washington approach, states will develop their own systems designed to ensure that all students graduate from high school college- and career-ready, without Federal interference or regulations on state standards, assessments, growth models for accountability, or how to develop teacher and principal evaluation systems that are based on improving student achievement.

Eliminates Adequate Yearly Progress (AYP): The Federal government is taken out of the business of determining if local schools and districts are succeeding or failing in educating their students by ending the Washington-based AYP system of how to identify schools.

Asks States to Identify the Bottom 5% of Lowest Performing Schools: States will be required to identify the bottom 5% of Title I receiving elementary and secondary schools, using their state-developed accountability system, and local school districts will be required to implement a school improvement strategy for their lowest performing schools. School districts will continue to be required to provide public school choice to students in these lowest performing schools.

Eliminates "Highly Qualified Teacher" Requirement: States will be freed from the onerous "Highly Qualified Teacher" requirements and empowered to maintain and improve their own teacher and principal licensure and certification requirements.

Maintains Public Reporting Requirements: States and local school districts will continue to report disaggregated data on student achievement, while requiring annual report cards at the school, school district and State level.

Reduces Paperwork & Federal Intrusion: The bill dramatically simplifies the Title I State plans that are submitted to the Secretary to reduce unnecessary paperwork and frees states from Washington interference.

THE TEACHER AND PRINCIPAL IMPROVEMENT ACT OF 2011

PREPARING, TRAINING, AND RECRUITING EFFECTIVE TEACHERS AND PRINCIPALS TO IMPROVE STUDENT ACHIEVEMENT

Addressing State and local needs for teacher and principal training: States and local school districts will conduct a needs assessment to determine what professional development teachers and principals need to improve student achievement and then target resources to meet those needs.

Supports the State-led Development of Teacher/Principal Evaluation Systems: States and local school districts are empowered to develop their own teacher and principal evaluation systems that are based significantly on student academic achievement. The Federal Government would be prohibited from regulating or controlling those state and local evaluation systems, allowing local innovation and leadership to flourish.

Maintains Strong Reporting Requirements: States and local school districts will provide important data on the quality and effectiveness of teachers and principals, as well as the results of teacher and principal evaluation systems if developed, to inform parents and the community about who is teaching in the classroom and leading our schools.

Teacher Incentive Fund: Authorizes the Teacher Incentive Fund to provide competitive grants for states, districts, and partnerships with private-sector organizations to implement, improve, or expand comprehensive performance-based compensation systems for teachers and principals, while leaving broad latitude in how states develop such systems, as well as prioritizing high-need schools.

Encourages Innovative Private-Sector Involvement: Authorizes competitive grants for national non-profit organizations, such as Teach for America and New Leaders for New Schools, to help states and local school districts that have a demonstrated record with teacher or principal preparation, professional development activities, and programs.

Reduces Paperwork and Federal Intrusion: The bill dramatically simplifies the Title II State plans that are submitted to the Secretary to reduce unnecessary paperwork and frees states from Washington interference.

EMPOWERING LOCAL EDUCATIONAL DECISION MAKING ACT OF 2011

State and local school districts, not Washington, D.C., are the best makers of educational decisions. Unfortunately, in the last few decades, the federal government, believing it knew best, has exploded the number of small, categorical education programs in K-12. Almost every year, yet another new program has been created in pursuit of the newest educational fad. And with each of these new programs, States and local school districts have lost flexible federal funding sources that allow them and not the latest fad to determine how best to allocate federal resources to meet the unique and specific needs of the individual students in their States and districts.

The Empowering Local Educational Decision Making Act of 2011 streamlines 59 programs into 2 flexible foundational block grants. Rather than Washington and the federal government determining funding priorities for States and local school districts, the Empowering Local Educational Decision Making Act puts locals in charge by allowing them the flexibility to fund locally-determined programs and initiatives that meet

the varied and unique needs of individual States and localities.

FUND FOR THE IMPROVEMENT OF TEACHING AND LEARNING

Consolidates 34 programs into ONE flexible, formula-driven Fund for the Improvement of Teaching and Learning to fund locally-determined needs and initiatives related to—

Increasing the capacity of local school districts, schools, teachers, and principals to provide a well-rounded and complete education for all students.

Increasing the number of teachers and principals who are effective in increasing student academic achievement.

Ensuring that low-income students are served by effective teachers and principals and have access to a high-quality instructional program in the core academic subjects.

SAFE AND HEALTHY STUDENTS BLOCK GRANT

Consolidates 25 programs into ONE flexible, formula-driven Safe and Healthy Students Block Grant to fund locally-determined needs and initiatives for improving students' safety, health, and well-being during and after the school day by—

Increasing the capacity of local school districts, schools, and local communities to create safe, healthy, supportive, and drug-free environments.

Carrying out programs designed to improve school safety and promote students' physical and mental health well-being, healthy eating and nutrition, and physical fitness.

Preventing and reducing substance abuse, school violence, and bullying.

Strengthening parent and community engagement to ensure a healthy, safe, and supportive school environment.

ENHANCED FLEXIBILITY THROUGH FUNDING TRANSFERABILITY

To provide additional funding flexibility to State and local school districts, under the Empowering Local Educational Decision Making Act of 2011 districts will be able to transfer up to 100% of their allocations under the Fund for the Improvement of Teaching and Learning and the Safe and Healthy Students Block Grant between the two programs or into Title I, Part A.

EMPOWERING PARENTS THROUGH QUALITY CHARTER SCHOOLS ACT 2011

SENATOR KIRK CHARTER SCHOOL BILL

This bill will modernize the charter school program by encouraging the expansion of high-quality charter schools and allowing charter school management organizations to receive assistance directly from the federal government.

Modernizes the Charter School Program to address present realities for public school choice, by incentivizing expansion and replication of successful charter models, providing support for authorizers, and enhanced opportunities for facilities financing.

Encourages states to support the development and expansion of charter schools.

Streamlines federal Charter School Program funding to reduce administrative burdens and improves funding opportunities for the replication of successful charter models and facilities assistance.

Allows proven, high-quality charter school management organizations to apply directly to the federal government, as well as local education agencies, deleting a layer of bureaucracy with the State government.

Facilitates the establishment of high-quality charter schools and further encourage choice, innovation and excellence in education.

Supports an evaluation of schools' impact on students, families, and communities,

while also encouraging sharing best practices between charters and traditional public schools.

THE STATE INNOVATION PILOT ACT OF 2011

The bill clarifies waiver authority that is currently in the Elementary and Secondary Education Act. The clarified waiver provision authorizes State educational agencies and local school districts to submit a request to the Secretary of Education to waive any statutory or regulatory requirement of the law.

State and local leadership: The bill improves the waiver authority currently in law by clarifying that the waiver process is intended to be led by state and local requests, not Washington mandates.

Deference to state and local judgment: If the Secretary chooses not to immediately approve a waiver request, the bill directs the Secretary to develop a peer review process that defers to state and local judgment on waiver requests.

Transparency: The bill ensures that the peer review process will be open and transparent so that it is clear what states and local school districts are asking to waive and what peer reviewers think about those waivers.

Prohibiting additional regulations: The bill prohibits the Secretary from imposing by regulation any additional requirements to waiver requests not authorized by Congress.

The bill encourages State and local education leadership in developing and implementing innovative strategies in:

College and career ready academic content and achievement standards for all public elementary and secondary school students;

High-quality academic assessments that are aligned with and are designed to measure the performance of local educational agencies and schools in meeting those standards; Accountability systems that are based on those college and career ready standards, as well as other academic indicators related to student achievement; and

Programs to improve principal and teacher quality and effectiveness.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KIRK. Mr. President, I wish to speak briefly on the subject of our relations with Pakistan.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PAKISTAN

Mr. KIRK. Mr. President, earlier this week, I gave a talk based on my service in Afghanistan as a reservist, about the growing threat of a new group to our forces in Afghanistan, ISAF, and the Afghan Government. It is not al-Qaida, which is armed and dangerous, but a shadow of its former shadow. It is not the Taliban, which is still extremely armed and dangerous. It is a new group called the Haqqani Network.

Recently, there was a high-profile attack on the Afghan Government and ISAF headquarters in Kabul, the cap-

ital of Afghanistan. The U.S. Ambassador 2 days ago then announced this was the work of the Haqqani Network. That is a very important factoid. Then yesterday, the Secretary of Defense also highlighted the Haqqani and pointed a direct finger at the Government of Pakistan and its intelligence service, the ISI.

It is all well known that while there are terrorists operating loosely in Pakistan who attack Afghans and Americans, it is the Haqqani Network that enjoys the official support and backing of the intelligence service of Pakistan.

Given this new information, and especially given the statement by the U.S. Ambassador in Afghanistan, Ryan Crocker, and now our Secretary of Defense, Leon Panetta, the Senate should engage in an agonizing reappraisal of military assistance to Pakistan. We should base our reappraisal on the statements of our own Ambassador in Kabul and the Secretary of Defense himself.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BLUNT. Mr. President, I want to talk about the disaster funding debate that is going on this week.

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

DISASTER FUNDING

Mr. BLUNT. I appreciate the Presiding Officer's recognition.

Mr. President, this is a debate that has become the debate as part of the Burma Sanctions Act, which if we were debating the Burma Sanctions Act I would also be for Burma sanctions. But in the debate on disasters, Missouri has played an unfortunate leading role this year of all kinds.

We have had floods along the Mississippi River. We have had floods along the Missouri River. Joplin, MO—one of the bigger cities in our State—was hit by a tornado. We have evacuated a place in southeast Missouri, a floodway called Birds Point, where, for the first time since 1937, the Corps of Engineers decided that 130,000 or so acres had to be used as a floodway. All the crops that were already planted and up were, obviously, destroyed as part of that.

I was in that floodway for a couple of different days in August, and I will say, the resilience of Missouri farmers to get about 80 percent of that floodway back in soybeans means the economic loss, the crop loss, will not be what it was. But the recovery loss is substantial, as is the cost of rebuilding that levee back to the level it was before the Corps exercised the long plan that had not been used to take it down.

Tornadoes struck St. Louis at the airport and around Lambert Field, in communities around Lambert Field. Tornadoes in Joplin were significant. I mentioned on the floor of the Senate before that I live close to Joplin. It was

in my congressional district for 14 years. I had an office there. I am probably as familiar with Joplin as anybody who does not live there or has not lived there.

As I went to the scene of this tornado, the devastation made a city that I was very familiar with—at least a half-mile path, 6 miles across that city—virtually unrecognizable by me or the local police officer who was driving me around. There were no street signs left. Every block looked like the block on either side of it—an incredible amount of devastation.

There were 162 people killed either at the time of the tornado or who within a few days of the tornado died as a result of injuries; 900 people were injured. A hospital was destroyed that will cost about \$500 million to replace. The high school was destroyed. The vo-tech school was destroyed, lots of elementary schools destroyed, 500 commercial properties, 8,000 apartments and homes, and I think “destroyed” in virtually all those cases would be the right word; some of them salvageable, most of them not. Homes, churches, elementary schools, the Catholic school—all destroyed by that tornado.

While we make headway every day, finding housing for people in that community who were affected by the loss of those 8,000 homes, and while the schools were up and running by the day schools were scheduled to start 90 days later, in an incredible way, looking for whatever space was available and turning that into schools for this year, there is clearly a lot to be done.

This exceeds the capacity of an individual community or even a State to do what needs to be done. I am in the process, and have been for some time now, of discussing with GAO the exact right request, to be sure we are not declaring disasters as national disasters that are not national in scope, that we have not gotten into a habit of saying: That is a disaster, the Governor ought to send a request to the President and the President ought to grant it. We do not want to be doing that when a State or a community could handle the problem. But we do always want to be sure we have the resources necessary when States and communities cannot possibly handle this kind of problem by themselves.

The tornado I talked about was one; the flooding in the entire Mississippi Valley watershed, which is I think the fourth largest watershed in the world. And whether it was the Missouri River or the Ohio River or the Mississippi River itself, or the Arkansas River, all of this flooding that occurred this year has set a recovery number that does require national involvement. If we do not recover from these floods, the right kinds of things do not happen.

I had a county commissioner tell me over August that the factory does not open until the highway opens. And the highway does not open until flood protection is guaranteed. And flood protection is not guaranteed until we appropriate the money.

You know we should be and appropriately are focused on jobs as the No. 1 priority in the country today, private sector jobs. But there are a lot of private sector jobs in my State and others that have not been there for months now because the factory is closed or the business is closed. That factory is not going to open again until people can get to work. And people are not going to be on the highway to get to work until the levee is rebuilt. And the levee is not going to be rebuilt until the Corps of Engineers has the money to do the job they are supposed to do and meet their obligations. The Corps is responsible for taking care of some of our most pressing needs, whether it is restoring the levee at Bird's Point or levees in northwest Missouri in Holt County, which has 165,000 acres—more than half the county—underwater. A lot of that has been underwater now for 3 or 4 months.

I talked to a farmer in my office yesterday who went to his own home for the first time in 3 months, by driving a tractor over some fairly high water areas but passable areas. His home had not been flooded, but everything around it was. So he had not been there for 3 months when we talked yesterday until he went this week.

Whether it is water along the entire Missouri River, which has been in flood stage through the month of August, recovering from what has happened on the Mississippi River, we need to do our job. In our case, the Missouri River, this has not been a 1-week flood; this is a 3- and 4-month flood.

I do not remember a time ever—in fact, I am not aware of a time ever—when the entire Missouri River from the Missouri border in the northwest corner of the State to St. Louis was in flood stage the entire month of August, and in some cases has been in flood stage now for what is 4 months. Community development block grants that help with disasters provide communities a short-term and long-term way to meet disaster recovery. Disaster community development block grant funds can pick up where FEMA leaves off. I hope that is part of our plan as we look for this disaster bill, which I am intending to support—or the final, or another disaster bill that we can agree to with the House—to be sure that we make it possible for these communities to do what they could not do on their own or could not even do with State assistance.

In Joplin, it is things such as underground utilities and storm sewers and sanitary systems of all kinds, owner-occupancy programs to get people who owned a house but may never own one again because the house they owned, through frankly their own inability or their oversight or their decision not to have insurance—you know, if you own a house and you do not have a loan, there is no banker to tell you that you have to get insurance. We will have some people who are negatively affected by that. But that was a decision

they made. However, getting them into a house that they do not own is something that there are government programs for that are designed to help.

Community development block grants allow qualifying communities to meet local matches and local needs without a whole lot of redtape, less redtape than a lot of other things that the government does. And, of course, with the most recent hurricane, Hurricane Irene, suddenly FEMA says: Well, I know we made a lot of commitments to other communities that are already in progress, but we now have to turn to the new disaster. I appreciate turning to the new disaster. But you cannot forget that a community has problems they cannot deal with that we said we were going to help with, just because the TV satellite truck has gone somewhere else. I think it is important that FEMA meets its obligations.

As I said before, I think it is important in an ongoing way we are sure that we have a standard for natural and national disasters that truly are national in scope. With thousands of acres of Missouri farmland still underwater, with communities trying to recover from tornados, with commitments that FEMA has told them to move forward on and now suddenly does not have the money that they had already committed, we need to be concerned about that.

Programs such as watershed emergency protection and conservation emergency protection that are in this bill that were in the Agriculture appropriations bill that the committee voted out earlier this week will have a big impact on meeting these obligations.

Despite the unprecedented year, my State and Americans everywhere are responding to these disasters, this is a time when the Federal Government needs to do what the Federal Government has said it is there to do. Hopefully we will do this with this bill or some other bill that comes quickly that allows these communities to meet their needs, these farm families to get back to work, these factory workers to see the factory doors open again. I am supportive of this effort.

I yield the floor.

THE PRESIDING OFFICER. The Senator from North Carolina is recognized without objection in the majority's time. Only 4 minutes is remaining.

MR. BURR. Mr. President, am I incorrect that the other side has a speaker coming at 11 o'clock?

THE PRESIDING OFFICER. The Chair does not have information about that.

MR. BURR. I will take whatever time the Chair gives me. I will yield, when I need to, to the other side.

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

MR. BURR. Let me add to what my good friend from Missouri talked about. That is about the Federal commitment to disaster. North Carolina happens to be one of those States that is probably the most recent. We welcome the attention of FEMA, but we

also have the last disaster before. And just like he expects the promises to be fulfilled, even though we are first in line now, we expect the promises to be fulfilled to those who are already out there. Our country is great enough to do it. It is the greatest country in the world. But it means we have got to do it in a responsible way. Part of that means we need to pay for it. I hope my colleagues will join what I think will be a House effort to expedite the funding needed for disaster relief but to do it in a way that we do not charge future generations because of our fiscal irresponsibility.

I had the opportunity to participate in a colloquy earlier on reforms to K-12 education. I wish to take the few remaining minutes I have to talk a little bit more about that, because I think to some degree we hear about education and the failures of K-12.

Senator KIRK alluded to some charter schools in Chicago. I want to mention a school nobody hears about. It is called the KIPP Academy. Technically, it is a charter school. It started in Houston, TX. Then it expanded. Its second location was in New York City. Its third location was targeted to be Atlanta, but halfway between Atlanta and New York they found a little county in rural North Carolina. It is called Northampton County, and a little community there called Gaston, NC, the last place you would expect a Texas innovative charter school to say, let's put a facility here. Predominantly minority; clearly below the average income level of every county in North Carolina; challenged for economic development. They do not have the infrastructure. But KIPP looked at it and said: You know, no child should go without what we are out there to offer. Today the success rate of that school is off the chart. But it also is in every KIPP location that has opened.

When you have successes such as that, whether they are in Houston, TX, or New York City, or Gaston, NC, the responsible thing is to stop and take a breath and ask yourself: What have they figured out that either we have not in Washington or what flexibility do they have that we do not give everybody else?

When you walk into a KIPP school, it is markedly different as soon as you walk in the door. Most kids are in uniforms. The school day is longer. The teachers are partners in education, which begs me to talk a little bit about Teach for America, the program that many Members of Congress support.

Teach for America challenged the next generation of kids who want to be educators to commit a certain portion of their life in these at-risk locations. It is a program we ought to support because its standards for its teachers exceed the definition we have for "highly qualified." As a matter of fact, not only do their credentials make them one of the best individuals to put into a classroom, you match that with their passion for their students to succeed,

and all of a sudden you have got a formula for success regardless of the socioeconomic conditions of the child who came.

Well, I fear Teach for America is not going to get the attention of Congress that it should. Yet across this country, when you find successful, qualified teachers, they have come out of this program. The commitment to be there for 2 years or 3 years or 5 years is no longer a contract that they are waiting for the end of; they are looking for the opportunity to make this a career.

It is those teachers, those Teach for America graduates, who are finding their way to being the principals of schools, to being elected on the school board, to being involved in areas that, for once, now these Teach for America graduates are challenging traditional education to live up to what this obligation is they have got. That is to make sure that every child has the foundational education they need to compete.

It does not matter whether the example I talk about is the KIPP Academy charter model that was started in Houston or whether it is the Noble Street charter that was created in Chicago. All of these examples were not created here. They were not created in Congress or in Washington. Yet what typically we do is we try to import the solution from here.

I will be the first to tell you, a principal is much closer to your children than the Congress of the United States. They are much closer to the school. They are much closer to the school system. They have greater influence on the outcome. Where have we been influencing education? We influence it on the input side, not the output side, because we say: Here is some money. We have got some money. But you can only use it for this because we have determined this is the solution to the problem. KIPP sort of broke the mold. They said: Our mission is to educate every child. We want to see them succeed.

Let me give my colleagues an example. In Charlotte, NC, they opened a KIPP Academy, K-8, next door to a traditional K-6 school. There is no way anybody can look at it and say, this drew kids who were in a different neighborhood. No, it drew kids from exactly the same neighborhood. But if you look at the performance side by side physically, the performance of the kids in the KIPP far exceeds the performance of the kids in the traditional public school system.

(Mr. BROWN of Ohio assumed the chair.)

Mr. BURR. Why? Because KIPP officials have the flexibility to design how they educate those children. The goal at the end is the same—to meet a standard of performance, to meet an educational level that is set nationally.

To me, it only makes common sense for us to see the ones that exceed the goals we set and ask how do we import what they do into the rest of our K-12

system? Part of it is recognizing the fact that up here we don't have the solutions; we are merely a financial partner. That is one of the reasons this morning I introduced a bill. What that bill does is it takes 59 pots of money—59 separate programs that were funded last year. In one area, we call it the fund for improvement of teaching and learning, to say we can take 59 programs and combine them into two pots of money; one is teaching and learning and the second one is safe and healthy students.

In the teaching and learning area, we have consolidated about 24 funding programs into one. We have said to local educators that they can use this money however they want, if their focus is teaching and learning, and they can pull out of the other pot any moneys they need for programs that address safe and healthy students.

We went a step further and said, if one of these pots of money doesn't work for them, then we will give them 100 percent transferability from one pot to the other. So if their objective and their need is greater in teaching and learning, we will give them the ability to take the safe and healthy student money and throw it over into the teaching and learning pot so they can access more funds.

In addition, some communities across the country might need additional help in title I, at-risk students. We allow 100 percent transferability of both of those into title I. For those concerned with title I, not only do we not touch it, we make it available to receive additional funding if a school system decides to do it, not a bureaucrat in Washington, DC.

Under the fund of improving teaching and learning, States and local school districts may use funds for activities and programs that meet the purposes of the fund for the improvement of teaching and learning and their unique and individual needs. These may include evaluation systems for teachers and principals that take into account data on student academic achievement and growth as a significant factor.

That is exactly what Senator ISAKSON was talking about, the need for accountability. But we are trying to take a majority of the responsibility for accountability and send it to the local school systems. All we can see are numbers up here in comparison to what our goal is for people to hit. I am concerned that a community takes ownership in the performance of their school system because that community is reliant on their success for their future.

My hope is, school systems and communities around the country will see this as a tremendous opportunity to once again not only take control of local education but to be empowered to make decisions on the way they teach our kids.

It reforms teacher and principal certifications, recertifications, licensing, and tenure; alternative routes for State certification of teachers and

principals, including mid-career professionals from other occupations, former military personnel, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective teachers and principals.

There is this whole pool of people we exclude because they didn't go through a traditional method of being classified a teacher. Yet their base of knowledge, their expertise and, I suggest, their passion, in many cases, exceeds those who might be in the classroom today.

Is it reasonable to believe that a pharmacist has the institutional knowledge to teach chemistry? I hope so because we trust him every day when we go into a pharmacy. If a pharmacist feels impassioned enough that he or she wants to go into a high school and teach chemistry, what they might lack in the educational process of becoming a teacher they certainly have in knowledge; but more important, they may have the passion to want to be in there and, more important, they have an understanding of why the success of that student is absolutely vital.

It includes performance pay systems; differential, incentive, and bonus pay for teachers in high-need academic subjects and specialty areas and teachers in high-poverty schools and districts; teacher achievement initiatives that promote professional growth, multiple career paths, and pay differentiation.

Everywhere else in the world we pay bonuses for performance. In the government, we pay bonuses even when people don't perform. I haven't quite figured that out. When we introduce bonuses, it is not based upon whether somebody—an agency or a department—succeeded; it becomes part of their annual stipend. We have to revisit that. Why would we institute it in government and then suggest that when we import this into K-12 education, somehow it is wrong?

The only reason it is wrong is because the teachers union doesn't like it because they don't negotiate. That has to change. The teachers union doesn't know our children. The truth is, the only reason the majority of the teachers actually join the union is because they are the only source of liability coverage, liability insurance that teachers can get. The fact is, you and I would not teach in a classroom without liability insurance, based upon the accusations and charges some families come up with against teachers. Ask them, if you don't believe me. Maybe we ought to look at the Federal umbrella and allow teachers to access liability from us and maybe contract with a third-party insurer and give them the opportunity to go into that classroom and only be concerned with educating children. I have never had anybody from Teach for America talk to me about liability coverage. They only come and talk to me about the success of their students or the need to expand programs at work and about the need for flexibility at the local

level because they have gone to multiple school districts and they do things differently, because that is where the administration told them they had to go to get their Federal money.

I am suggesting a radical change: Taking 59 programs, put them into two pots, shake them up, and say: You pick what is best for the school system you are in.

With safe and healthy student block grants, the local districts could use the funds for activity and programs to meet the purposes of safe and healthy students and their individual needs, which are not limited to drug and violence prevention activities and programs, before and afterschool programs, including during summer recess periods, and programs that extend the schoolday, week, and school year calendar.

It includes school-based mental health services. Some of these sound eerily familiar because we have heard people in our community saying we are not doing enough in mental health. That may not be the issue in the community next to us. This now allows the flexibility for the school systems that need to access it to access it. I think every Member here wants to make sure there are afterschool opportunities for the many families in which both the husband and wife work.

Up to this point, we said: Here is the program; you have to use this program. Now what I am saying is: Here is the money; you decide what program best fits your school system. It may not be at the local rec center; it may actually be in the school. Think about it. It is already a facility we own. We are going to have to heat it and cool it. Why not utilize it other than just during the meat of the education day?

It includes emergency intervention services following traumatic crises. It seems every year we have these events that happen, and sometimes we forget the effect it has on these students. I talked earlier about eastern North Carolina and the effect of Hurricane Irene. I have communities right now where people have not been able to return to their homes. The road is gone, the power is not back on, and the only access is by ferry. Don't for a minute believe this doesn't have an effect on a fifth grader. Maybe school had only been in effect about a week, but they are traumatized from it. If it is identified by a school system, now they have the flexibility to treat that, because I can assure you that if they are traumatized, the ability to learn is probably minimized.

There are programs that train school personnel to identify warning signs of youth suicide. I would like to suggest that doesn't exist, but the truth is, we know it does. In many cases, it is identified by the people who spend the most time with them, which are the teachers, coaches, and administrators. They don't have the capacity to intervene in any way, shape or form. Now the flexibility is at least there.

I am not suggesting that any of these areas are things school systems have to do. But I think, for once, we have laid out a buffet and said they can pick and choose what works. If I could best summarize where I think our focus should be in Washington on K-12, it is on the outcome. Are our kids learning?

Last year, about 66 percent of our Nation's high schoolers graduated on time. In North Carolina, it was barely over 70 percent graduating on time. Let me assure the pages who are here and young folks who might be listening to this, there is a Federal law that says every company has to accept an application from somebody who is looking for a job. There is no Federal law that says they have to interview that applicant. If you are an employer today and you have 100 applications and 98 have a high school diploma and two of them don't, I can assure you the two who don't have a high school diploma will not be invited back for an interview. They are out of the pool of selection because that has become the base minimum for consideration of a job that might have any upward mobility. It doesn't mean every child has to have a 4-year degree. But it does mean, from a standpoint of the business world, business has sort of cut it off and said our threshold is a high school diploma. A high percentage of our kids are not graduating from high school on time. If I was on the floor talking about health care today, we would call this an epidemic and we would fix it. No, this is education. This is somebody else's children. I have raised mine and educated mine.

This is the future fabric of America. We can either fix education or the rest of the world will clean our clock economically in the future. The secret to long-term success is making sure we field a team of highly gifted, knowledgeable Americans. If we plan to do that with a high of 60 percent of our kids with barely a high school diploma, I assure you the rest of the world will see that as an opportunity to surpass us and bury us. We have an opportunity to fix it now.

We talked earlier about No Child Left Behind—the right direction of legislation that was severely implemented incorrectly. It could have been a real winner if people embraced it, but they didn't. Now, 9 years later, 4 years after we were supposed to assess its success, make changes, and reauthorize it, we are in the ninth year, struggling to put together a reauthorization bill—in large measure because up until now everybody wanted to try to create a Washington bill to initiate solutions to elementary and secondary education versus a local approach that Washington is a partner in that provides flexibility and imagination.

We are going to spend a lot of time between now and the end of the year because it is vital we get reauthorization in 2011. I don't think we can let another class of students suffer through the lack of flexibility in the school systems they live in.

Senator KIRK talked about the need to expand charter school opportunities. I am for it. I cosponsored the bill. But just because there has been a private alternative that works, let's also face the reality that we are not going to put every child in America in a charter school. We might ought to, but we are not. And unless we want to say up front that everybody who is not in a charter school is going to suffer and they are not going to have the educational foundation kids over here have, then we better do both at the same time—provide that new avenue of education, which is an expansion of charter school opportunities; challenge the private sector, like KIPP stepped up; and design a school that works and at the same time look at the public side of it and say: What do we need to do as a country?

I would suggest, when we honestly look at that and we focus on outcome versus input, what we will find is we have to empower more of the local community. We have to challenge business leaders in that community to hold the school system accountable. We have to challenge parents to actually look at the performance of their children and to hold those principals and administrators and teachers accountable for the performance of their kids. We have to make sure a community sees the success of education as the ability for that community to grow in the future.

When you go into a community, the worst thing you can hear, as a Member of Congress, is that when the kids graduate from high school, they never return. They never return because the business opportunities aren't there. Usually that is rooted in the fact that K-12 in that community doesn't work because wherever you have an educated workforce, you have a company looking to make investments.

I have heard my colleagues say that North Carolina has unfair advantages in economic development; that we have 58 community colleges, and that gives us something to sell that everybody else doesn't have; that we have the mountains and the beach, and that is not something everybody has. It is all a good thing to sell, but let me tell you what North Carolina really has. Let me tell you why companies around the world are investing in North Carolina. It is because we produce the second largest pool of graduates of higher education annually than any State in the country other than California. When a company invests \$1 billion in North Carolina, they know every year they can reach into the graduate pool and have a shot at getting the cream of the crop of those students. Why would it be any different for a company looking at locating in any community? If they look at a community that has a pitiful performance in K-12, why would they ever think of making the investment there? They will make the investment where the future workforce is available. If they believe the kids graduate

and leave and never come back, they will look for where those kids moved to and make their investment there.

If we want to keep communities alive, whether they are in Ohio or North Carolina, we have to find a way to make K-12 a success in every community, big and small, urban and rural, and it starts by legislation that empowers those local school systems and, more importantly, shifts accountability from Washington and puts it back into the community, makes it the responsibility of the officials, the business leaders, and, most important, the parents.

Mr. President, I thank the Chair for accommodating me this morning. I noticed the other speaker didn't come in, so I am thrilled I was given the extra time.

I urge my colleagues over the months to come to pay attention to the K-12 reauthorization. There are many proposals out there. Not all will work, and we are not assured any are certain to succeed. But if you look for guidance, talk to the people who are closest to the problem. What they are screaming for today is the flexibility to put the money where it can have the greatest effect on the outcome of education, and that is this legislation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

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

LEGISLATION ON HOLD

Mrs. BOXER. Mr. President, I come to the floor frustrated, angry, and disturbed that our Republican colleagues are holding up three crucial bills. And America needs to hear this. They are stopping us from completing our work on our emergency FEMA bill, which contains the monies needed throughout this country to rebuild and repair storm damage, a lot of it infrastructure—sewer plants, waterplants, roads, bridges, and highways.

We see pictures of what is happening in places such as Vermont, where, as Senator LEAHY told us yesterday, a woman he talked to has to drive 1-hour-plus for her chemotherapy because the road is gone, and it used to take her 5 minutes. We need to fix that road. We need to fix the roads, the bridges, the highways, the sewer systems, the water systems, the schools that get harmed in these natural disasters, and the Republicans are holding up the bill to let us do that.

We have holds—more than one—on the highway bill, known as the Trans-

portation bill, and the FAA, our Nation's aviation bill. And here is the real shocker: The FAA and the Transportation bill, which have been merged into one bill, have come over from the House of Representatives, and the House relented on the numbers. They are at current levels of spending. They are clean extensions, which we wanted, but the Republicans over here will not let us get to those bills.

Tomorrow, the FAA authorization to fix up the airports, rebuild the airports, expires. So there will be no fee as of tomorrow, and we have to stop, midstream, our airport improvements that are going on. It is called the airport improvement fund. They already shut that down once. I went around my State and saw safety projects stopped midstream. Now they are doing it again right over here—the Republicans right over here—holding up the FAA bill again. It means 70,000 jobs lost on Friday night.

They are holding up the highway bill, the Transportation bill, which—I am so proud—in our committee, we got the extension. Everybody agreed to it, Republicans and Democrats, in the committee. Republicans are holding it up now on this floor. It is a clean extension. It is 1.8 million jobs, everybody. There are 1.8 million jobs relying on that extension. It has come over here from the House. Take it up and pass it. Oh, no. Oh, no. There they go again, stopping progress in this country.

I will tell you why I am so particularly frustrated. It has to do with the rebuilding that is going on and that has gone on in Iraq and Afghanistan with American dollars. Not one Republican ever objected. Let me show you the pictures. Let me show you the pictures.

This is a picture of a new water treatment plant that has been built in Nassiriya, Iraq, at a cost of 277 million American dollars. Not one Republican said: Stop this. Not one Republican said: Pay for it by cutting some other program. What is going on?

Let me show you the picture of a water treatment plant near the border of Mexico in my State of California. It is old. I visited this treatment plant. It got hurt in an earthquake, and FEMA—the bill they are holding up—will pay to finish this water treatment plant, which has to be fixed before another earthquake hits us. And we know that is what is happening.

So they were fine with building a water treatment plant in Iraq—not a complaint, not a murmur, not a word, not an amendment—but we have to fix our water treatment plants here with the FEMA bill, and they are holding up the bill, and everybody knows that because we could have taken care of that yesterday. So that is an example.

Here is another example. This is a picture of road construction in—and I want to say this right—Kapisa Province, Afghanistan. Everyone is very proud that America has built a road there. We have spent a lot of tax dollars in Afghanistan and Iraq. I am

happy for the people there that they have a road, and, God, we pray that nobody blows it up. But I have to tell you, if you are going to build roads in Afghanistan, you had better build roads here in America or the American people are going to rise up and say: Who are you fighting for?

I have never heard one Republican say: Oh, they are building a road in Afghanistan. That is an earmark. That is an earmark. Let's stop it. That is a problem. Let's stop it. We are spending X number of dollars. Let's cut another program. Never a word. But now we have our highway bill right now coming over from the House. They changed their mind over there. They did not cut it. It is current levels of funding. It is a good bill. It will last for 6 months' funding. It will preserve 1.8 million jobs. And the Republicans are holding it up right now.

Why do you think this Chamber is empty? Why do you think I am here letting off steam? Because we are not voting. Let us vote. If you don't like the highway bill, vote against it. If you don't like it, that is fine, vote against it. Let us vote. Ninety people will vote for it, probably. Let us vote.

So here you have a picture of the excitement around a new road. Let's take a look at another picture of a road in my home State.

In January and February of 2010, California was hit by terrible winter storms and flooding and mudslides. This picture shows a road that was blocked after these storms. These storms hit us in many counties: Imperial, Los Angeles, Riverside, Calaveras, San Bernardino, Siskiyou—all of these counties declared emergencies. They are all waiting for the funds to rebuild a road that looks like this. It is impassable, shutting people down—a lot like the roads in Vermont now and other places.

They are holding up the FEMA bill, they are holding up the highway bill, they are holding up the Federal Aviation bill, and it is wrong. I have never heard them say: Strike that road we are building in Afghanistan; it is an earmark. But they are holding up, they are holding up the three bills we need to do.

So now I am going to show you another program. This is a brandnew air traffic control tower being built in Mosul, Iraq, at a cost of \$10 million. You can see it is almost ready. The scaffolding is on it. It has been built. I never heard one Republican say: Oh, wait a minute, let's strike some other money somewhere else to pay for this air traffic control tower. I never heard one Republican object to building this air traffic control tower in Iraq—not a word—but when it comes to our air traffic control towers, you hear plenty.

They stopped us from moving ahead with the FAA reauthorization before we left for the summer break. It resulted in 70,000 people being laid off. And here is one of my towers in Palm Springs, stopped in the middle, shut

down in the middle. The workers had to leave. They lost money, the contractor did. The workers—some of them went off to other jobs, and they had to hire new workers. I stood in front of this tower. I stood in front of the tower in Oakland. I went to Los Angeles and saw the work stoppages that occurred on the new Tom Bradley terminal because the Republicans shut us down.

Now, today, we come back. We all think we have a new attitude around this place, but we are shut down again. And we have 24 hours to get this FAA bill done or 70,000 workers will be out again. And we have until September 30 to pass the Transportation bill or 1.8 million workers will be out of work.

Now, we have heard complaints from the other side as to why they are holding it up, so let me give you some of that argument.

One of our Senators from Oklahoma, Senator COBURN, says he wants to hold up the Transportation bill, which includes Transportation and FAA, because he doesn't like one part of the program. Two percent of the funds go to things he doesn't like. Well, he has every right to that opinion and every right to work with us on an amendment and get it done, but he is holding it up. We could have had that amendment yesterday.

He doesn't like the transportation enhancements program. For the record, there are a number of things in that portion—which is a relatively small amount of the bill, 2 percent of the bill—and we are reforming that section next year when we get to the new bill, but he is holding it up. Now, he is wrong to hold it up because of what I told you. He is putting at risk all of these safety improvements at our airports, he is putting at risk 1.8 million jobs on the Transportation bill, and he is putting at risk 70,000 jobs at FAA because he doesn't like this program.

He also misled people. He said we spend 10 percent of our transportation money on this transportation enhancements program. We do not. We spend 2 percent. Ten percent is not 2 percent.

He went on to say that safety should be a top priority. And we agree. But he doesn't understand what the transportation enhancements program is. It is about safety. It is about safety. The transportation enhancements program is mainly about saving lives by preventing bicycle-and-pedestrian fatalities. That is what it does. It says to the States: We have a pot of money here. If you want it, you need to make sure you make safety improvements for pedestrians and bicyclists.

Pedestrians and bicyclists account for 13 percent of traffic fatalities nationwide, with more than 47,000 pedestrians killed in the 9-year period 2000 to 2009. That is the equivalent of a jumbo jet crashing every month. So the safety enhancements supported by the program Senator COBURN wants to eliminate are needed to prevent these deaths.

Bike paths and pedestrian walkways are important. Fifty percent of trips are 3 miles or less, 12 percent of all trips are made by bicycling and walking, and bicycle commuting has increased by more than 40 percent between 2000 and 2008.

So why on Earth does he want to hold up this critical bill and the FAA bill—because they are married together—to say he is for safety when he wants to eliminate this whole program, which is dedicated to safety for our pedestrians and our bicyclists, 47,000 of whom perished because we don't have these safety enhancements in place? All Americans benefit from the program he wants to eliminate.

We strengthen local economies, we improve the quality of life, we protect the environment, and he is willing still—because that is what he is doing by holding this up—to risk shutting down our Nation's entire surface transportation system as well as critical FAA programs and more than 1 million jobs because he doesn't like this program.

Well, do you know something, every one of us here has a pretty big ego. You get here and, yeah, it is important. Set it aside. You don't like something? Offer an amendment. Don't hold up all of these bills. It is wrong because if we do what they did—shut down the FAA—it makes a rough economy rougher, and it stalls us from doing the work we have to do. No one stalled the airport improvements in Iraq. No one stalled over there, on the Republican side, the road improvements in Iraq. No one stopped improvements in Afghanistan. No one stopped water system improvements in the war zones. But somehow, when it comes to America, well, we had better cut this and cut that and offset this and offset that.

We have a budget. We are going to live by it. We have an emergency. If we look at the explanation in Webster's dictionary of an emergency—here it is, an emergency:

No. 1, an unforeseen combination of circumstances or the resulting state that calls for immediate action

Webster's dictionary has it right. This ought to be put on the desk of every one of my Republican colleagues. Another definition:

No. 2, an urgent need for assistance or relief.

When there is an emergency, one steps to the plate and solves the problem. Just ask Senator LANDRIEU, who has been leading the battle on this FEMA bill. We cannot tell people out there that they only have 30 days' of funding because they have to enter into a contract. It may take 3 or 4 months to rebuild a bridge. It may take 6 or 7 months to rebuild a water treatment system. But that is the way they approach it over there—when it comes to America.

When it comes to funding wars and rebuilding the war zones, I don't hear a peep out of them, not a peep. I say it is time for America. We have a choice.

We can stand up for America right now, today. We can pass these three bills.

The FEMA bill gives our Governors and our people in the States the assurances that FEMA will team up with them and do what it takes to rebuild after these horrifying emergencies—which, by the way, are becoming more and more frequent because of climate change. But that is another matter for another day. That is another battle for another day.

Unfortunately, in this body science takes a back seat to politics and the special interests that want to say: Oh, climate change; no big deal. We need to protect our turf. That is what they say. And we have done nothing.

The President has done what he can, and bless him for it—fuel economy, all these things. But it gets worse and worse. We have done nothing. I have four grandkids, and I am so hoping in the rest of the time I have to be in this body and on this Earth that I can get us moving on this climate change. But, oh, no. So I guess we sit back while we see more and more extreme weather emergencies, while we see extreme weather emergencies.

If the other side doesn't want to do anything about the cause of it, fine. That is their choice. They have to live with themselves. They can at least help us adapt to these problems, and that means paying to fix our roads, bridges, highways, our water systems, our sewer systems, all these things that get exposed to these weather emergencies.

Do you know 70 percent of our bridges are deficient? I thank my ranking member on the Environment and Public Works Committee, Senator INHOFE. He and I don't see eye to eye on the environment. That is an understatement. But when it comes to the infrastructure, we agree. He talks about the tragic death of a young woman who was walking and a bridge literally fell apart. It fell and killed her.

This is America. Seventy percent of our bridges are deficient, and we have colleagues holding up this bill? I say shame on them. Shame on them for doing that. It is outrageous. We finally got the House to come to us, to come to our number to freeze spending. I thank them for that. They came to their senses. They realized we need to build our highways. We need to maintain our airports. They sent us a bill that is good.

On FEMA, they are not so good. On FEMA, they are doing a bad thing over there. They are trying to cut programs that create jobs to pay for these emergencies. That is a whole other deal. But today we have a bill for FEMA that would do the job.

I said in my last talk about FEMA and the emergencies that we face: If your neighbor's house is on fire, don't waste time and fight about the cost of the garden hose. You will get that later. Your garden hose helps them,

and you feel they are a part owner. You can discuss it later. Get out the garden hose, put out the fire, and everybody is going to be OK.

Playing games with these things is not right. It is beneath the dignity of the people of America who think we are a bunch—let me rephrase that—who do not rate us very highly. That is an understatement too. How much lower can you go than 13 percent?

I would say this: If we cannot do these bills we do not deserve to be 13 percent popular. We do not. We have certain basic responsibilities, and I am sick and tired of paying for roads and bridges and embassies and buildings and everything else in Iraq and Afghanistan. We have given those people our finest. They have bled, they are still bleeding, and they have to take responsibility for their own nation. We have to take responsibility now for our Nation.

Time is short. If the Senate does not pass that highway bill, 1.8 million highway and transit jobs are at risk. If the Senate does not pass the FAA bill by tomorrow, 70,000 jobs are at stake.

We saw what happened. I visited the airports. It was tragic to see people saying: I had no job—because these are all private sector jobs mostly. There are some government jobs. For example, the FAA inspectors—some of whom paid on their own dime to fly across the country and inspect some of the projects. God bless them, and we better pay them for what we did.

My understanding is this bill does not do that, but Congressman MICA claims he is going to take care of that. But we are about to do it again over here if Republicans do not come to their senses.

In summing up, this is a day for us to make a clear point that America has to start taking care of its people. We all read the papers. We know what is happening to the middle class. We know what is happening to the poor. We know what is happening to our roads. We know what is happening to our bridges. We know our airport system is from the last century. We have to have NextGen. We need to move to a GPS system, away from a radar system. They say: No, no, no.

The message has to go out to the American people. They blame everybody, and I don't blame them. But right now it is clear: The Democrats in the Senate want to pass three bills right now. They are all very important. One of them is the emergency FEMA bill to pay for these terrible disasters that have been hitting us. Those are emergencies, and we need to go ahead and respond.

No. 2, a highway bill to fix our deficient bridges, to fix our highways and our roads that are 50 percent deficient. In other words, half of them are not up to standard. We are living off our grandparents' investments at this point. We have to invest in our infrastructure and all the jobs that come with it.

So we have those three bills. FAA and highway have been merged, and then we have the FEMA bill. We are sitting around not voting. Everybody, look at this Chamber. No one is here. No voting is taking place because we are the subject of a filibuster, which means a big stall.

Again, I ask my friends on the other side: Where was your outrage when we were building roads and highways and bridges and airports in Iraq and Afghanistan?

Where was your outrage about the money?

Where was your outrage about cutting something else to pay for that?

Where was your outrage?

I tell you I never saw it. I never felt it. I never heard it. It is, in a way, humiliating for the American people that somehow they are just not as important.

I am here to tell them they are important. Their jobs are important. Their work is important. America, as an economic leader, is important. So I will be back on the floor to debate any one of my colleagues on the other side who disagree with anything I said—and that is fine.

They may disagree. They may defend why they allowed projects to go through abroad but not here. They may say why they want to cut safety programs from the highway bill that will save lives. By the way, that transportation enhancements program they want to do away with was a bipartisan idea that came from Republican John Chafee and Democrat Daniel Patrick Moynihan in 1991. That sounds like 20 years to me. Twenty years we have had that program.

Can we look at it? Can we reform it? Can we make it work better? Of course. But don't just stand here.

By the way, one of our Republican friends said just cut it, and we do not even need a vote. Just take it without a vote.

No. If we are going to vote on that, we are going to fight about it and have a vote. But let's have a vote. Every minute this Chamber sits idle, let me tell you what happens outside in the real world. This is the fake world out there. In the real world people are calling one another: What are they doing over there? We have a chance to get these bills done fast. What are they doing?

Finally, we get a bill that comes over from the House that is bipartisan that is a freeze, that has everything intact, that sends a message we can move forward with FAA for 4 months, 6 months on the highway bill, and we cannot get it done.

I urge my Republican friends to change their minds and change their tune and stand up for America. Let's get on with the business of taking care of this country: its highways, its bridges, its roads, its airports, its emergencies. If they do that maybe we will see the American people have a little more faith in us because right now

they have lost faith. And I don't blame them one bit.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. I ask unanimous consent that the order for the quorum call be rescinded and to speak as if in morning business for up to 10 minutes.

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

ECONOMIC DEVELOPMENT

Mr. BROWN of Ohio. I was listening to the Senator from California describe how the American taxpayers pay for all kinds of public facilities from utilities to schools to water systems to energy production in other countries around the world, and according to Senator BOXER there is never objection to that from the other side of the aisle. But when the President of the United States wants to do that same kind of construction in the United States of America, there seems to be objection. I was taken by that, one, because it is true; second, because it is pretty unbelievable that when the President decides that working with the Congress—causing the Congress to pass legislation so we can build schools and renovate schools in Michigan or California or Cleveland or Toledo—that some conservative Members of Congress in both Houses say, well, we can't do that even though we want to pay for it by closing the Wall Street tax loopholes, by taking away oil company subsidies, by closing the tax incentives that are in Federal law now that encourage companies to leave Hamtramck or leave Youngstown and go to Wuhan or Shanghai.

I was on a conference call yesterday with some school principals in Ohio, a principal from Zanesville, a moderate-sized community in eastern Ohio, who had been a principal in a nearby rural school district some years before, who was talking to me about how important school renovation is. The average school building in the United States is 40 years old. We would put so much effort in infrastructure in the 1940s, 1950s, 1960s, and 1970s, from Dwight Eisenhower with the interstate system to school superintendents and local taxpayers building schools and new water and sewer systems—including all the infrastructure we built in this country after World War II—in a bipartisan way to help our country grow. We put people to work doing the construction. We put people to work doing the manufacturing for materials used in the construction, and putting people to work because we built this infrastructure that the Kroger Company in Cincinnati needs to move its produce and other things for their stores all over the Midwest. It is the kind of infrastructure rebuilding that helps us with economic development.

The President was in Columbus 2 days ago talking at Fort Hayes High School about school construction and how important that is. I was talking to the school principal, who used to work in Maineville, and he told me how several years ago his school building was old and decrepit and needed fixing. He also said the test scores were not very good for these students. He said after they built a new school building and put these students in a place that they could learn better, it sent a message to these students that, yes, we care about education. He said the test scores went up markedly. I said, because of the new building? He said, yes. Uncategorically, he said yes.

We tell our young people in this country that education is most important, and then we send them to schools that don't look good. I wonder what students think when we put this premium on education, but then we don't act on it. He and the other principals talked about leaking roofs and mold on the walls. They talked about dark and dank hallways in auditoriums. They talked about the lack of technology.

What the President is trying to do—and what Senator BOXER was talking about, more with aviation and highways, but schools also—when he talks about investing in school renovation, one, it means jobs immediately for carpenters and electricians and plumbers and laborers and all kinds of people. It also means jobs immediately for the people producing the steel, the manufacturers, the cement, and the insulation. The biggest insulation plant in the United States of America is in Newark, OH. It creates jobs right now but it also means better schools for our kids, and it means long-range economic growth, long-range prosperity, and a better environment for us as a country.

What troubles me so much, as Senator BOXER said, is we are putting money into schools and water facilities in Iraq and Afghanistan—and I am okay with that if it serves our national interest. I am not okay when there are no objections to that from conservative politicians, but they object to doing that at home with schools in Chillicothe and Mansfield and Springfield and Lima and Youngstown and Akron.

It is so important to move forward on the school construction and jobs bill. Mr. President, \$1 billion in investment in school construction and renovation creates about 10,000 jobs. Those 10,000 jobs are mostly middle-class jobs in manufacturing and the trades actually doing the construction and the building. It makes so much sense, and I am hopeful as the President goes around the country explaining it—he was in Columbus 2 days ago—that my colleagues on the other side of the aisle decide, yes, maybe we ought to actually focus on jobs and do the right thing.

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

The Presiding Officer (Mr. LEVIN). The clerk will call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

APPROVING THE RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.J. Res. 66, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 66) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

Pending:

Reid amendment No. 602, to provide additional appropriations for disaster relief in fiscal years 2011 and 2012.

Reid amendment No. 603 (to amendment No. 602), to change the enactment date.

Reid amendment No. 604 (to amendment No. 603), of a perfecting nature.

Reid amendment No. 605 (to the language proposed to be stricken by amendment No. 602), of a perfecting nature.

Reid amendment No. 606 (to amendment No. 605), of a perfecting nature.

Reid motion to commit the joint resolution to the Committee on Finance with instructions, Reid amendment No. 607, to change the enactment date.

Reid amendment No. 608 (to (the instructions) amendment No. 607), of a perfecting nature.

Reid amendment No. 609 (to amendment No. 608), of a perfecting nature.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the motion to commit and the pending amendments, with the exception of the Reid substitute amendment No. 602, be withdrawn, and the following amendments be the only amendments in order to the Reid substitute amendment No. 602: Coburn amendment No. 610 and Paul amendment No. 613; that the time until 4 p.m. be equally divided and controlled between the two leaders or their designees—and this will be for debate on the amendments and the joint resolution—with 30 minutes for Senator COBURN and 15 minutes for Senator PAUL—and this 15 minutes will come from the Republican leader's time—and at 4 p.m. the Senate proceed to vote on the amendments in the following order: Coburn amendment No. 610, Paul amendment No. 613, and, finally, the Reid substitute amendment No. 602, as amended, if amended; that there be no amendments, points of order, or motions in order prior to the votes other than budget points of order and the applicable motions to waive; that the amendments not be subject to division;

that all of the amendments be subject to an affirmative 60-vote threshold; that the motions to reconsider be considered made and laid upon the table; and, finally, if the Reid substitute amendment, as amended, if amended, achieves 60 votes, the joint resolution, as amended, be passed; if the Reid substitute does not achieve 60 affirmative votes, the cloture motions be withdrawn and the joint resolution be placed back on the calendar.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I am going to suggest the absence of a quorum, but in doing so, I ask unanimous consent that the time run equally for both the Democrats and the Republicans.

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

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

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

The legislative clerk proceeded to call the roll.

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

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

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

AMENDMENT NO. 610 TO AMENDMENT NO. 602

Mr. COBURN. I ask that amendment No. 610 be considered as pending, brought up, and read.

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

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 610 to amendment No. 602.

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

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

The amendment is as follows:

(Purpose: To save at least \$7,000,000,000 by consolidating some duplicative and overlapping Government programs)

At the appropriate place, insert the following:

SEC. ____ . CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.

Notwithstanding any other provision of law, not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of the relevant department and agencies to—

(1) use available administrative authority to eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in

the March 2011 Government Accountability Office report to Congress, entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP) and apply the savings towards deficit reduction;

(2) identify and report to Congress any legislative changes required to further eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress, entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP);

(3) determine the total cost savings that shall result to each agency, office, and department from the actions described in paragraph (1); and

(4) rescind from the appropriate accounts the amount greater of—

(A) \$7,000,000,000; or

(B) the total amount of cost savings estimated by paragraph (3).

Mr. COBURN. Mr. President, the bill we have before us today is a bill to fund emergency relief through FEMA for a lot of the emergency disasters our country has experienced over the past 6 months.

I don't think there is a large disagreement that we ought to take care of the areas that are the Federal responsibility in the respective States for the extreme weather as well as fire-related tragedies that have been experienced by a multitude of States. However, the question is, given where we stand as a country, do we just borrow the money to do that and add it to the debt or is the government running so efficiently that we can't cut something else and make a choice about how we pay for it? The bill as brought forward has no pay-for at all. In other words, the assumption is that if we pass this bill, we will go and borrow approximately \$7 billion more in the international markets.

What I would put forward is that we know we have plenty of areas we can cut now that are not effective, not efficient, that are wasteful, that are duplicative, and we would not have to borrow that additional money. The easiest thing in the world is to spend somebody else's money. And what we are doing with this bill by not paying for it is actually asking our grandchildren to pay for an obligation we have today.

The amendment I have asked to be called up is nearly identical to an amendment this body passed by a vote of 64 to 36 in April of this year.

The Government Accountability Office brought forth a report on duplication that showed hundreds of millions of dollars in wasteful duplication. This is not the only area we could go, but this is an area we have already agreed as a body is an effective way to pay and save money. We could easily find \$7 billion by eliminating multiple programs that accomplish the same thing. Let me give some examples of what the GAO showed.

The Department of Defense and the VA are both creating new medical record systems as we speak, both paying for independent contractors doing the same thing. They are going to have

intertwined medical records ultimately. We do not need to set up two different programs. By doing that, we could save a couple of billion dollars, just by having one program for both VA and DOD.

We have multiple contracts, according to the GAO, in terms of inter-agency and areawide contracts that actually increase our procurement costs, where we could consolidate those and have one contract and actually save money. But we have not done that. That is something that can be done by the OMB at our direction.

The other area which is extremely interesting—and the President has already agreed to this. They are already starting to do it. But we could do it much faster and save a significant amount of money. We could save \$150 billion to \$200 billion over the next 10 years just by consolidating data centers. We initially had some 500 of those. I think we are up to around 2,000. We had 434 in 1998 and 2,000 Federal data centers in 2010. What everybody knows is we could cut that by about half, not have any change in the effectiveness, and save about \$150 billion over the next 10 years.

This amendment identifies the areas listed in the GAO report and instructs the OMB to find those that are most likely to be achievable to come to \$7 billion. We have agreed to do this in the past on a previous bill when Senator WARNER and I offered this amendment jointly to pay for the spending.

I can go on with a lot of other areas in terms of wasteful spending. I will not. But I make this one plea: In August we left after passing a debt limit increase, the largest debt limit increase we have ever incurred in segments, and said we were going to start living within our means. We have created a supercommittee to find \$1.5 trillion over the next 10 years in savings. While they are doing that, if we decide to pass an emergency supplemental bill for FEMA and do not pay for it, we are going to be working in exactly the opposite direction of what we said we needed to do.

The facts are, we are almost schizophrenic. We say we need to cut spending. Yet we are going to spend \$7 billion more. Yet we do not want to find some spending to cut to pay for it; we just want to borrow it. You can understand why very few Americans have confidence in us. On the one hand we are addressing the problem, and on the other hand we are ignoring the problem.

I think it would behoove the confidence level in this institution if, in fact, we tried to pay and found the courage and the willpower to say if we are going to spend additional money, we are going to create priorities, and we are actually going to eliminate spending somewhere else to be able to pay for this, to be able to do this more important thing.

I have trouble understanding, even when I talk to our colleagues privately, why we would not do this; why we would not pay for this \$7 billion by reducing wasteful spending elsewhere.

As we go to the vote at 4 o'clock, the question that people ask is, Why was it OK to cut the spending from these departments back in April, but it is not OK to cut the spending now? Sixty-four of our colleagues voted to cut this spending in April. I know several are opposed to paying for this, but we are in a new day. We live in a new world.

The Oklahoma Chamber of Commerce was here this week. The title of their meeting was "New Realities." The new reality is that we are going to run to the end of the time at which we can borrow money or afford to pay the interest rate on the money that we can borrow, and the discipline we need is to live within our means.

This is one step that will be the right thing to do for future generations. It is the right thing to do to build confidence in our institution, and it is the right thing to do to eliminate waste and duplication in the Federal Government.

I yield the floor, suggest the absence of a quorum, and make a point I will talk again on this prior to the vote.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 613

Mr. PAUL. Mr. President, I ask unanimous consent to call up amendment No. 613.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 613 to amendment No. 602.

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

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

The amendment is as follows:

(Purpose: To offset the disaster relief appropriations by rescinding amounts for foreign assistance programs)

On page 12, between lines 11 and 12, insert the following:

TITLE VI OFFSET

SEC. 601. (a) All unobligated balances made available to the United States Agency for International Development for foreign assistance programs for fiscal year 2011 are rescinded.

(b) There is rescinded on a pro rata base from the unobligated balances made available to the Department of State for fiscal 2011 an amount equal to the difference obtained by subtracting—

(1) the amount rescinded under subsection (a); from

(2) the amount appropriated under this division.

Mr. PAUL. Mr. President, this is an amendment to pay for the emergency funds. I think for too long in this body we have just simply added on funds, often for good causes, but we keep spending money we do not have. I think the mark of a good legislator is making priorities. If we choose to spend some money on an emergency, we should take the money from somewhere else in the budget.

In this amendment we have proposed to take the money from foreign aid. When the American people are asked if they think we should be sending welfare to other countries or building bridges in other countries when our bridges are falling down in this country, 77 percent of them think we should not be sending money overseas when we have problems at home. This amendment would take unspent foreign aid money from this year and apply it toward the disaster funding. It would also take some unspent money from the State Department.

I think it is responsible budgeting. It is essentially taking money from another area, spending it, and not adding to our debt. There are repercussions to the debt we have. I tell people the debt has a face. Every time we drive to the store our gas prices are rising or our food prices are rising. The reason our prices are rising is because we have to pay for the debt by printing new money. As we print new money at the Federal Reserve to pay for our debt, we diminish the value of the dollar so our gas prices rise and our food prices rise.

Also, economists have said up to 1 million jobs a year are being lost to pay for our debt. What I ask for is, as we pay for these natural disasters we take the money from elsewhere in our budget.

I also rise in support of the plea of Senator COBURN not to target the transportation funds. Right now we are asking that highway funds, 10 percent of them, go to beautification projects—turtle tunnels, movie theaters. In our State of Kentucky, we have a bridge that was closed this week, the Sherman Minton Bridge. Of three bridges in Louisville, one of them is closed. Traffic is stacked up for hours and you are telling me we need to have turtle tunnels? Something is seriously wrong with government when we are forcing State governments to spend 10 percent of their transportation money on turtle tunnels, white squirrel parks, and movie theaters.

Another bridge is needed in the northern part of our State, Brent Spense Bridge, where debris from the bridge is falling. Four years ago we had a bridge in Minneapolis that fell into the river and killed 13 people. We, as a nation, need to set our priorities, but I think it is incorrect and a real problem that we are telling people they have to take 10 percent of the transportation funds and put them into bike paths.

I am a bicyclist and I like bike paths as much as anybody. But when bridges are falling into a river and a major

metropolitan area such as Louisville, KY, has one-third of its bridge capacity closed because the bridge is dangerous to travel on, these are emergency problems.

It also buys into what I am talking about with foreign aid. We cannot send welfare to other countries that we do not have. We are not sending them money that is from our savings. We are sending money that we are borrowing from China or that we are printing. There are ramifications to this debt. We are borrowing money at \$40,000 a second. There are ramifications to this borrowing. It has a face. It is just not an empty number.

When we say our national debt is \$14 trillion or that we are adding \$1.5 trillion to the debt every year, there are ramifications to that, and there is a face. The face is unemployment. The face is people losing jobs. We see it in the grocery store with our prices rising. The debt has ramifications.

In Europe, we are seeing the end stages of this in some cases. We are seeing chaos and rioting in the streets. We had rioting in London recently. We had rioting in Greece, Portugal, Spain. All of these countries are tumbling under a burden of debt, and it has been predicted that this is coming to the United States. It is coming soon. It is a contagion of debt that is sweeping the world, and it is all pyramided upon the U.S. dollar.

Once upon a time, banks in Europe held gold as their reserve. They now hold the dollar as reserve. When the dollar tumbles or when we have trouble paying for our debt, there will be massive worldwide problems. We are in the middle of the worst recession since the Great Depression, and there are no signs that any of the policies coming from the White House are working. In fact, the first stimulus package did not work. Two million more people are out of work since the President came into office. The price of gasoline has doubled. Our debt has been downgraded. We are set to accumulate, under this administration, more debt than all 43 previous Presidents combined. It is not working.

Recently, the President came over to a joint session of Congress and presented to us the "son of stimulus"—the son of a stimulus that did not work in the first place. He said we are just going to tax those rich people.

Rich people hire poor people. Most of us have jobs because rich people hired us. They are talking about adding \$400 billion in new taxes on those who make \$200,000 a year or more.

You say the rich ought to pay their fair share. The rich are paying for the income tax—47 percent of Americans pay no income tax. So half of Americans are already paying for all of the income tax. The Bush tax cuts actually made the Tax Code more progressive because they dropped off more people from the lower end. If we look at those who make more than \$200,000 a year, it is 3 percent of the public. They earn 30

percent of the income and pay 50 percent of the income tax.

If you are saying the Tax Code needs to be made more fair, it would probably be that we would have to make the Tax Code less progressive.

The bottom line is, if I thought it would help people, we could do it. It is going to hurt people. The head of the Congressional Budget Office is an objective spokesman who analyzes government. He testified before the supercommittee yesterday that it would be a mistake to raise taxes. The preponderance of economists say it would be a mistake to raise taxes in the middle of a recession. It will lead to more joblessness.

Pitting one group—class envy—pitting one group against another gets us nowhere. Years ago we tried this. We said we will have a special tax on those who own yachts. Guess who lost their jobs. The men and women making \$40,000 and \$50,000 a year lost their jobs. It does not work. It is unhealthy. It is not good for America to blame one class of people versus the other. We want to lift everyone in America. We want a thriving economy. When we lowered tax rates in the 1980s, we had 6 percent and 7 percent growth in a year. We are at 1 percent growth and we look like we are headed in the wrong direction. They say the definition of insanity is doing the same thing over and over and expecting a different result.

This new jobs plan by the President is the “son of stimulus.” It is the son of a stimulus that did not work the first time. When we calculate it, it cost \$400,000 per job. It did not work. We should not be doing the same thing over and over again and expecting a different result.

I would say in conclusion that my amendment is the responsible budgetary amendment, and it pays for the new disaster funding. If we wish to help people and we think our Federal Government should be involved with disaster funding, it should be paid for. It should not be borrowed from China, and it should not be simply printed up at the printing press. We should pay for it.

I urge other Senators to support my amendment which would offset the disaster funding by reducing a corresponding amount from foreign aid, the welfare we give to other nations, many of them rich nations. I would ask serious consideration of it.

I would also ask serious consideration of Senator COBURN’s proposal that when we have bridges crumbling in our country, we not force States to build turtle tunnels, squirrel sanctuaries, and movie theaters. We have crumbling bridges and we need to get this through and we need to say we are not going to force the States to decide to have these beautification projects.

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

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

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oklahoma.

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

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

UNANIMOUS CONSENT REQUESTS—H.R. 2887

Mr. COBURN. Mr. President, I would like to say Senator REID and I have had several discussions today and we are working to try to resolve an impasse we have, but we are not there yet. I wanted to be clear with my colleagues what my intent was, and if we can work the problems out, I am happy to try to do that.

I have three separate unanimous consent requests I am going to be asking for. One will separate the FAA bill, pass it, and send it to the House. Another will separate the Transportation bill, eliminating the transportation enhancement component of it and send it to the House, and another one eliminates the transportation component of the combined bill and sends it back to the House. I understand the leader is concerned with those but felt I would exercise my right to offer those unanimous consent requests.

Therefore, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2887, the House-passed FAA surface transportation reauthorization bill, and my amendment at the desk related to a 4-month extension shall be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2887, the House-passed FAA surface transportation reauthorization bill, that the Coburn amendment at the desk related to repealing the 10-percent transportation enhancement mandate be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2887, the House-passed FAA surface transportation reauthorization bill, that my amendment at the desk related to a 6-month surface transportation extension that repeals the 10-percent transportation enhancement mandate be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements

related to the bill be printed in the RECORD.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by me after consultation with Senator MCCONNELL, the Senate proceed to the consideration of Calendar No. 167, H.R. 2887, the Surface and Air Transportation Programs Extension Act; that the only first-degree amendments in order to the bill be the following: Coburn amendment regarding transportation enhancements, Paul amendment regarding limitation on highway trust funds, and the Paul amendment regarding FAA funding levels; that there be up to 2 hours of debate on the amendments, equally divided between the two leaders or their designees, prior to a vote in relation to the amendments in the order listed; that there be no amendment in order to any of the amendments prior to the votes; that the amendments be subject to a 60-vote threshold; that upon disposition of the amendments, the Senate proceed to a vote on passage of the bill, as amended, if amended; that there be no other amendments, points of order or motions in order to the bill other than budget points of order and the applicable motions to waive; and the motions to reconsider be considered made and laid upon the table.

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I note the absence of a quorum, and I ask unanimous consent that the time until 4 o'clock be equally divided between the majority and minority.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, we are looking at a FEMA emergency supplemental. There is no doubt this country has sustained a series of disasters that will require Federal support and funding. We have seen them in Alabama, my home State, where we had the worst series of tornadoes in history, and some of the most powerful, that completely demolished two-story brick homes with nothing but foundations left. Lives were lost to an extraordinary degree, and people were injured.

We have had floods. We have had fires and droughts around the country. We have some of that every year, and some of this is unusual. So it is incumbent upon us in Congress to wrestle with that and to try to figure out what should be done and how we can best supplement the insurance and State actions and local people’s abilities to respond and share a bit of the pain throughout the country.

Since I have been interested in the emergency bill and I have some ideas, I was surprised we were told it was going to be added to the Burma sanctions bill, and it was going to be \$6.9 billion. I hadn't had a chance to know and review and see what those numbers were and whether they were justified. But Majority Leader REID said we want to move to that. That is what we want to do.

Some said—and surely it is not true—that Senator REID was setting a trap for the Republicans; that he would offer this bill, throw it out there, and he would have extra money in it and we would complain. Then he would say: The Republicans don't love people who have suffered with a disaster as I love people who have suffered with a disaster. You don't care. You don't want to help people who are hurting. You are not good people. I am a good person. I love them more than you do.

I hope that is not true. I do not believe it is true. Surely, it is not true. But I will just point this out: that President Obama's funding request for this supplemental that we have seen was for \$500 million in 2011, \$4.6 billion for next year, totaling \$5.1 billion. That is what the President proposed. But the Senate Democrats' proposal that Senator REID has moved forward has \$804 million in 2011, \$6.1 billion in 2012, for a total of \$6.9 billion. That is about almost a \$2 billion difference.

You know they say: That is not much money, just \$2 billion. We spend a lot more money than that around here on all kinds of things, and we shouldn't worry about it, SESSIONS. You are just slowing down the emergency bill. It has to go through right now.

I just pointed out previously that \$2 billion is a lot of money. We have an education budget in my State that is pretty sizable, but the basic general fund budget of Alabama is about \$2 billion. We are an average-sized State. We are about one-fiftieth—4 million people—of the United States. So \$2 billion is \$2 billion. A billion here and a billion there, you are talking about real money. I am just raising a question. I suggest that this kind of rapid spending, emotional, political movement of money through this body is why this country has gotten into financial trouble. We just increase the pricetag for a bill by \$2 billion and rush it through and attack anybody who has the gumption to stand, such as Senator TOM COBURN, and raise some real questions about it. How much of this can we pay for? Can we pay for it all—we probably could and probably should—or pay for part of it so it is not borrowed? You see, an emergency in general is debt. When we declare something an emergency, we are adding to the debt. It means it is not under the budget. We have a budget limit, and all spending is supposed to be under our budgetary limit, although we have not had a budget in 2 years. But when we do a supplemental, it does not count that way.

I have seen the Presiding Officer be pretty sophisticated in these things. I

remember, I was talking to a senior Congressman about an emergency bill years ago that was not truly an emergency, and he said: Well, JEFF, we need to put it on the emergency supplemental.

I said: Why?

He said: It doesn't count against the deficit.

I said: Why?

He said: I don't know. It just doesn't count.

What he meant was it was not part of the budgetary numbers. It was on top of it. It added to the debt in general.

We have to be careful about that. We are borrowing now 40 cents of every \$1 we spend. That is not a misprint. I am not speaking erroneously. Forty cents of every \$1 that is spent this year is borrowed.

Responsible senatorial management requires us to examine the legislation. When we have a bill that is about 40 percent more than the President asked for, maybe that ought to throw up a red flag around here. Maybe we ought to examine it more closely because every single penny that is spent should be spent wisely. There are two areas: Are we spending money that is not needed at all—and we have had some of that under emergency spending—or are we spending money that could be spent better on other problems that arose from the emergency than the problems we are spending it on?

I have been to hurricane damages, I have been to flood damages, I have been to tornado damages, drought damages. It is hard to get the money to the people who truly need it and whom you can justify. This is not just throwing money at something.

So we can do a better job of that. Congress needs to be more involved. I think \$2 billion is a lot. We ought to be careful before we do that. Most of the money is not going to get spent until next year, by far. Overwhelmingly, 80 percent of it is to be spent next year. I believe we ought to be taking time to do this right.

I would also like to take the opportunity, while I have the floor, to address this morning's hearing in the Budget Committee, on which I am the ranking member. At today's hearing, I emphasized the economic danger our country is facing as a result of the increasing deficit. We had three economists testify. Two of them were selected by our Democratic majority colleagues. We asked whether they agreed that it would be wise to pursue policies that create jobs without creating debt. They all acknowledge that increasing debt is a dangerous thing.

We discussed whether we should seek ways to create jobs and growth in America without adding to the debt. Wouldn't that be smart? They all agreed it would—things such as producing more American energy, reducing costly bureaucratic regulations, and instituting growth-oriented tax reform. All three witnesses said those are good things to do for America.

I would say, if we are going to spend \$7 billion or \$5 billion on an emergency, it helps Americans' growth, produc-

tivity, and competitiveness if that money is spent the best possible way, every penny of it to help people truly in need and to help increase our national productivity.

Those are some of the concerns I have. I just wanted to share those thoughts because I think we would have been better off had this bill come through the regular process, we had full testimony from the administration witnesses, from FEMA, which will be handling the money, setting forth in detail where they expect to spend the money, how it is needed, and how they are going to do it in a way that is fair and helps the people in the right way. I do not believe the way this bill is moving is careful enough, and I believe it places at risk the treasury of the United States.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. THUNE. Mr. President, in a few minutes we are going to be voting on a bill that has been put on the floor that would address many of the emergency disaster needs that have come our way this last year.

In my State of South Dakota, it has been a year for the record books. We have had historically cold winters the last couple of winters. We had a historically wet spring and, if you look at the Missouri River basin, unprecedented amounts of runoff, to the point where we had flooding on the Missouri River throughout the entire basin, up and down. My State of South Dakota, of course, was impacted dramatically by that, as were many of the States in the basin, and I think, like a lot of parts of the country this year that have experienced weather-related disasters, there are a lot of people who have been hurt by that. In my State of South Dakota, we have a lot of homeowners in the Pierre and Fort Pierre area and the Dakota Dunes area and the Yankton area. We have had tremendous wet weather in northeastern South Dakota, and there are a lot of people who have been flooded up there.

We have people in these areas of my State who literally have lost everything—their homes. It was not one of those situations where you get an event that comes through, it is gone quickly, and you can go in and clean up and recover. In this case, they were floods that persisted over long periods of time—in this case months. I remember touring some of those areas in my State and in some cases having to go out there literally in a boat to see homes and having to walk into a home in waders because the water in the living room was literally up to my waist.

And the water was there literally for weeks. There were a lot of black mold problems, of course, just a tremendous amount of damage.

As I said, in many cases these are people who for various reasons did not have flood insurance, in most cases because they were told they didn't need it, they were not in the flood plain. These were homeowners who, when the Missouri River dams were built, thought, at least, that they were protected by those dams and as a consequence, perhaps, did not purchase flood insurance, with rare exceptions. Of course, in all of these cases too there are homeowners who, if they did not have flood insurance, have in some cases lost everything. I am not talking about just homeowners who have resources and means, I am talking about people—I met with retired school-teachers who put everything they had into these homes along the Missouri River, and now they have literally lost everything. So I can appreciate how important it is that we do everything we can to respond to this enormous weather-related disaster that has come our way.

I have great sympathy for those other areas of the country that have been impacted this year as well. I know that on the east coast, we had flooding from the hurricane, and we have had tornadoes this summer that have wiped out parts of entire communities.

It has been a very difficult weather year, and as we approach this issue of how to deal with that, I think it is important that we bear in mind—that we do everything possible to address the needs these homeowners have and try to help them rebuild their lives and put things back together.

So as we get into this debate, certainly I recognize the importance of us having a response. I think that one way or the other, Congress will respond, whether it happens today or in the form of some relief that may be coming over from the House of Representatives. But I believe it is important that we do that. It is also important, given the budgetary circumstances in which we find ourselves, that we pay for it. I think there are a couple of amendments we are going to vote on this afternoon that would accomplish just that.

The Senator from Oklahoma has proposed an amendment which many of us have voted for in the past. I think it got 64 votes here in the Senate, both Republicans and Democrats supporting it. It would do away with some of the duplication we have in our Federal Government.

The Government Accountability Office has identified lots of areas of duplication. In fact, I think the Senator from Oklahoma has already gone through some of those, but I have been here on the floor and addressed some of these as well: 56, or thereabouts, programs spread across 10 or so agencies that deal with financial literacy; 82 programs that deal with the issue of

teacher training. I think you have to argue that there is plenty of waste and duplication and redundancy in our Federal Government, and we ought to be doing everything we can to eliminate that, particularly if we are looking at prioritizing where we spend our tax dollars.

In a case such as this, we have people across our country who have been hurt by these natural disasters who need our assistance. It strikes me, at least, that if we are serious about priorities—and I think all budgets are about priorities—we ought to be able to find some savings in these programs and agencies that have been identified by the GAO that would enable us to find the funds that are necessary to cover the disaster effort.

So I would come down here and speak in support of the Coburn amendment.

I think the Paul amendment as well seeks to use unobligated balances from USAID, the State Department. Of course, we are getting to the end of the year, and if there are funds that have not been obligated, that have not been used, that strikes me as well as a way in which we can find some resources that would help us prioritize and put them where they are really needed right now; that is, to deal with these impacted communities, these impacted families, these impacted homeowners, and helping them rebuild their lives.

But fundamentally, when you have a \$1.3, \$1.4 trillion annual deficit and when you are already at \$14 trillion in debt and it is growing at the rate it is, when you have a debt-to-GDP which is literally about 1 to 1, about 100 percent—you have to go back to the end of World War II to find a time in our Nation's history when we have seen that kind of debt. These deficits to GDP, debt to GDP, spending to GDP are at historic highs. It strikes me that even for important matters such as disaster relief, we have to be as responsible as we possibly can and make sure we are doing justice to the American taxpayer and not spending money we do not have.

I think the House of Representatives—and what they intend to do is address this through the continuing resolution which will be coming our way sometime next week. Their approach is to put some additional money, supplemental money, into FEMA, into the Corps of Engineers—those agencies that are kind of on the front lines in responding to many of these disasters. I hope we have an opportunity to vote on that legislation. That will be paid for. That will be within the budget. That will not be deficit spending or borrowing from our children and grandchildren, adding more to the debt. So I think it is a responsible and reasonable way to deal with this, and maybe in the end that is where this ends up.

But the debate we are having today is whether we are going to appropriate \$6.9 billion, around \$7 billion for disaster relief. I don't think we have a full

grasp yet of what some of these damages are. The assessments are still coming in. But I think it is important that we be responsible in how we distribute disaster relief, that we know as much as possible about the full scale and the dimensions of the problem and what those damages are and then, secondly, that we do everything we can to find areas in the budget in which we can offset that disaster relief.

So I hope we can support the amendments that are before us today. As I said before, the Coburn amendment is not something new to the Senate. The Coburn amendment is an amendment many of us have supported in the past. Sixty-four Senators—that is a very large bipartisan majority here in the Senate—have supported this amendment to do away with these duplicative programs and to try to gain some efficiency and some savings in our Federal Government.

It strikes me, at least, that when we are dealing with an issue as important as disaster relief is to so many Americans, we certainly ought to be able to prioritize and take some of those duplicative programs and some of those redundant programs we have in the Federal Government that have been identified by the Government Accountability Office—ask the OMB to identify \$7 billion in savings in order to offset the costs of what we are doing here with regard to disaster relief.

So I am certainly going to support these amendments—and I hope my colleagues will—for a lot of reasons. Again, we need to respond when we have a natural disaster such as this, but we need to do it in a responsible way. And when we are running these massive annual deficits we are running today, we need to do everything we possibly can to see that we are paying the Nation's bills, that we are not adding it to the credit card, not handing the bill to our children and grandchildren, not spending money we do not have, but doing everything we can to live within our means. It is the responsible way to go about this. In my view, it is a reasonable way to go about this. I think it is the right way to deal with the Nation's business; that is, to pay your bills. The Coburn amendment does that. His amendment, I guess of the two, specifically directs the \$7 billion. I am not sure whether the Paul amendment has a specific score on it. But either would be an important, in my view, message to the American people that we are serious about getting our fiscal house in order. So I hope we will have both Republicans and Democrats here in the Senate that would support both of those amendments.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Nebraska.

Mr. JOHANNIS. Madam President, I ask unanimous consent to speak as in morning business for about 5 minutes.

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

FARM DUST REGULATION

Mr. JOHANNIS. I rise today to actually extend an invitation. The invitation I extend is to our EPA Administrator, Lisa Jackson. The reason for the invitation is very straightforward. There is a lot of confusion about EPA's position on regulating farm dust. It is remarkable. The Administrator says one thing, but then the agency takes a different position—back and forth, back and forth it has gone.

Administrator Jackson said, and I am using her words, "It is a myth that EPA is proposing to regulate farm dust." That seems pretty clear, but then her agency says: Well, no, we cannot distinguish between farm dust and other dust subject to regulation, so rural America is not off the hook, it is out of luck.

Well, I was very pleased recently to offer a solution to this EPA dilemma. My solution was offered in partnership with my friend and colleague from Iowa, Senator CHUCK GRASSLEY, and others actually from both sides of the aisle. We proposed a simple solution to this confusion. We proposed legislation that—very straightforward—says: EPA cannot regulate farm dust unless there is scientific proof that it causes harm.

That proof does not exist today. Meanwhile, Ms. Jackson and her agency continue to have problems getting this story straight. You see, she scoffs at the idea of regulating farm dust, and then her agency turns around and says: Well, it is really a possibility.

I understand that sometimes the direction from the top can get muddled as it works its way down. After all, EPA is a very large organization.

Surely, Administrator Jackson does not intend to be saying one thing while her agency is saying and potentially doing something quite different. So I am hopeful I have come up with yet another solution.

Today, Senator GRASSLEY and I sent a letter to Administrator Jackson. We have invited her to publicly support our bill blocking the regulation of farm dust. After all, using her own word, this was a "myth" in the first place. I think it is a perfect solution. She says EPA has no intention of regulating farm dust, so there is absolutely no reason why she would not support this legislation that makes it official. My letter invites her to put her words into action by issuing a straightforward supportive statement. I look forward to hearing back from her or simply seeing her statement of support in print. Either will be acceptable.

I will tell you this: I believe if Administrator Jackson stands up in response to this and says, yes, I was serious, we are not going to regulate farm dust, that is a myth, and Senator JOHANNIS has it all wrong, I believe rural America will cheer.

Supporting my bill that puts an end to this crazy, ridiculous notion of regulating farm dust would do more to im-

prove Administrator Jackson's image than the charm offensive EPA has recently undertaken.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Michigan.

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

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

DEFICIT REDUCTION

Mr. LEVIN. Madam President, I understand that a couple of our colleagues are on their way, and I will yield to them if they get here as expected.

In the meantime, I wish to share some thoughts with the Senate about the very complex and difficult duty we all now face, which is to agree to legislation that will reduce the deficit by at least \$1.2 billion over the next decade. And, if we fail to do that, by the end of the year, huge automatic budgets in vital national programs, including in security, will take effect to meet the deficit reduction goal. Those automatic cuts would take an unacceptable toll on vital programs. I believe every Member of Congress must do their best to avoid that outcome, and that begins with the 12 members of the Joint Select Committee who have been given the assignment of crafting a plan for us to consider.

Despite the difficulty, the task is achievable. We can reach our deficit reduction targets and help ensure fiscal stability while avoiding not only the damaging automatic cuts but also avoiding devastating cuts to defense, health, education, and other programs vital to America and to its families. Achieving this goal will require sacrifices. Everyone is going to have to contribute. But if all of us, every American, will make the sacrifices necessary, we can get this done.

How can we do it? Well, we could pretend we can resolve this problem by ignoring why we got here to try to balance the budget by simply cutting more spending or we can take a realistic look at both spending and revenues. We need to take a realistic look at both spending and revenue. A little historical perspective might be helpful.

Federal revenues today are at the lowest share of gross domestic product in generations, just 14.9 percent. For the past 60 years, that number has averaged about 18 percent, and during that period we have balanced the budget five times, and each time revenues totaled 19 percent of gross domestic product or higher.

Past efforts to reduce high deficits have made new revenue a significant part of the equation. President Reagan

presided over three deficit reduction plans that achieved more than three-quarters of their deficit reduction through revenue increases. That was President Reagan. Revenue increases were a major part of his deficit reduction plan. The deficit reduction legislation that we passed in 1990 under the first President Bush achieved about one-third of its deficit cuts through added revenue. President Clinton's 1993 deficit reduction plan was roughly 55 percent new revenue and 45 percent spending cuts and yielded our most recent balanced budgets.

Apart from history, the mathematical reality simply is that we must generate additional revenues. If we are going to reduce the deficit and do so while avoiding unacceptable cuts to programs that provide for the common defense and general welfare, revenue must be part of the discussion.

Many of our Republican colleagues have focused solely on nondefense discretionary programs for deficit reduction. The simple fact is those programs are not big enough to allow real deficit reduction. They make up only about 12 percent of the Federal budget. If we eliminated all those programs, zeroed them out, we would have done grave harm to millions of American families, but we still would have huge deficits as far as the eye can see.

So as the Concord Coalition, a nonpartisan group, said: For a grand bargain on deficit reduction, finding a way to bring in some revenue is a crucial piece of the puzzle.

The nonpartisan Committee for Responsible Federal Budget said that putting the deficit on a downward path requires looking at ways to generate additional revenues.

In the balance of my remarks I set out seven different loopholes which need to be closed. It is only fair that these loopholes be closed. They are loopholes which cannot be justified. They are loopholes which I think almost every American would say should not be in our Tax Code. If we simply will change our Tax Code and reform it and close these loopholes, we can raise about \$1 trillion over 10 years. That is a huge part of what this Joint Select Committee is required to do.

We have to protect middle-class families from tax increases. We have to protect them from losing critically important programs, such as education. We can do that. I have sent a letter to the members—including my dear friend from Massachusetts—of our select committee laying out the seven loopholes which can, and should, be closed which will have an equitable impact. It is only fair these loopholes be closed, and I have laid out including the use of offshore tax havens to avoid paying taxes. In this letter that went to all the members of this Joint Select Committee, I have set forth what these loopholes are.

So revenue needs to be part of the joint select committee's agenda. Our deficit reduction plans will require sacrifice not just from middle-class families but from the corporations and upper income Americans who have done very well in recent years even as middle-class incomes have stagnated. In fact, from 1980 to 2008, the share of all U.S. income going to the top 1 percent of Americans more than doubled, from 10 percent to 24 percent. I make my proposals with that troubling fact in mind. Mr. President, I ask unanimous consent that my letter to the members of the Joint Special Committee be included in the RECORD after my remarks.

The letter identifies seven possible steps to eliminate wasteful tax expenditures and loopholes so as to share the burden of deficit reduction more broadly. As I say in the letter, "Those measures would not only reduce the deficit, but also render the federal tax system more fair to the millions of honest Americans who pay their taxes." Each is practical and doable, each achieves real deficit reduction, and each protects the programs that defend our nation and support middle-class families without increasing the tax burden on the investments that help our economy grow.

I plan in the coming days to lay out these ideas in more detail, but to explain them briefly.

The first two proposals would close two kinds of unjustified loopholes that benefit corporations and wealthy individuals at the expense of working families: offshore tax shelter abuses that cost American taxpayers billions of dollars a year and a loophole that forces American taxpayers to subsidize the stock options that corporations grant to their executives.

The third and fourth would close two Wall Street tax loopholes, the "carried interest" loophole that forces Americans to subsidize the paychecks of hedge fund managers, and a derivatives blended tax rate loophole that promotes speculation in futures and options, favoring derivatives over long-term investments that boost economic growth.

The fifth and six would promote tax fairness and ensure shared sacrifice in reducing the deficit by restoring upper bracket income tax rates and capital gains tax rates to rates closer to historic norms.

The seventh is an administrative change, eliminating the use of paper tax liens and creating an electronic database of those liens.

I will discuss these changes in more detail in the days ahead, but let me emphasize today the role they can play in deficit reduction. Combined, these common-sense changes could reduce our deficits by \$1 trillion over the next 10 years—a sum that would make the committee's difficult goal, one the Congress and the entire government share, much more achievable.

For Republicans, adopting some of these ideas will be difficult. I would

say, in empathy and not in anger: Welcome to the club. The spending cuts that will be necessary for significant deficit reduction will be difficult as well. They will hurt real American families, in real ways, and they will damage programs that are at the core of my own party's philosophy about the important role of government in helping to create shared prosperity. Democrats will have to compromise on these cuts. Republicans will also have to compromise, and accept the reality that revenue must be part of the equation, if we are to do our duty.

The ideas I have proposed, and will discuss in more detail in the days ahead, outline a path toward such a compromise. It is a fair path. If Republicans are willing to embrace compromise, we can reduce our deficit while helping to protect middle-class families from further economic harm. If Republicans are not willing to compromise, the automatic cuts involved in sequestration that would be forced upon the American people will make our country less safe and the livelihoods of our families less secure. I hope my proposals will help us work together to avoid that tragic outcome.

Madam President, I ask unanimous consent to have printed in the RECORD a copy of the letter which I sent to the members of that Joint Committee.

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

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

SEPTEMBER 15, 2011.

Hon. PATTY MURRAY
Hon. MAX BAUCUS
Hon. JOHN KERRY
Hon. JON KYL
Hon. ROB PORTMAN
Hon. PAT TOOMEY
Hon. JEB HENSARLING
Hon. XAVIER BECERRA
Hon. DAVID CAMP
Hon. JAMES CLYBURN
Hon. FRED UPTON
Hon. CHRIS VAN HOLLEN

DEAR MEMBERS OF THE JOINT SELECT COMMITTEE ON DEFICIT REDUCTION: As you work to construct a proposal to reduce the federal budget deficit and ensure long-term fiscal stability for our government, I urge you to eliminate wasteful tax expenditures and loopholes and restore more balance to the tax code. These measures would not only reduce the deficit, but also render the federal tax system more fair to the millions of honest Americans who pay their taxes.

Here are seven tax reforms that could together raise over one trillion dollars to reduce our federal deficits.

(1) Target Offshore Tax Abuses. The Stop Tax Haven Abuse Act (S. 1346) would combat offshore tax abuses. It contains more than a dozen provisions to shut down offshore tax loopholes and expose offshore tax cheats, including measures to penalize offshore financial institutions and jurisdictions that impede U.S. tax enforcement; stiffen penalties on aiders and abettors of tax evasion; shift the burden of proof establishing who controls an offshore entity; stop companies managed and controlled in the United States from claiming foreign status; treat U.S. deposits and investments by offshore subsidiaries of U.S. parent corporations as taxable repatri-

ated income; and treat credit default swap payments made from the United States to offshore recipients as taxable U.S. source income.

(2) End the Corporate Stock Option Loophole. The Ending Excessive Corporate Deductions for Stock Options Act (S. 1375) would eliminate a corporate loophole that currently gives special tax treatment to corporations that pay their executives with stock options. Stock options are the only type of compensation which, due to a special method for calculating the tax deduction, often allows corporations to deduct more than the compensation expense shown in their books. The latest data available shows that, over a five-year period, from 2005 to 2009, corporate stock option tax deductions as a whole exceeded corporate stock option book expenses by \$12 to \$61 billion each year, forcing ordinary taxpayers to subsidize tens of billions of dollars in excessive executive pay tax deductions. Closing this loophole would end this unfair tax subsidy of corporate executive compensation.

(3) End the Carried Interest Loophole. Under current law, hedge fund and private equity fund managers treat certain income received from managing investments as "carried interest" taxable at the lower, long-term capital gains rate, instead of ordinary income tax rates. That income is not, however, a return on a capital investment made by the fund managers with their own money, but is instead compensation for work performed for other investors. Closing this loophole and treating carried interest as ordinary income would end an unfair taxpayer subsidy of this Wall Street income.

(4) End the Derivatives Blended Rate Loophole. Under current law, profits from some derivative trades are taxed at a "blended rate" comprised of part capital gains and part ordinary income, even in the case of derivatives held for minutes. This special tax treatment, enacted in 1981, favors derivatives like futures over stocks, and encourages bets on derivatives over direct capital investments that are key to economic growth. Closing this tax loophole would put a stop to that market distortion.

(5) Restore Reagan-Era Capital Gains Rates. In recent years, tax rates have been repeatedly lowered for capital gains derived from stock, bonds, and derivative transactions compared to income derived from the salaried work performed by most Americans. Despite the fact that capital gains rates currently range between 0% and 15%, our economy has little to show for it in the way of increased investment or other economic benefits. At the same time, these lower rates have greatly increased the deficit. While long-term investments should receive some degree of favorable treatment, restoring capital gains rates to Reagan-era levels in line with ordinary income rates—as several bipartisan deficit reduction proposals have suggested—would not only make the federal tax system more fair, but also end a tax expenditure costing hundreds of billions of dollars over ten years.

(6) Restore Upper Income Tax Brackets. Today, the wealthiest one percent of Americans take home 24 percent of all U.S. income, the highest percentage since the Great Depression. Yet, just a few decades ago, that number was below 10 percent. Rather than have their share of the tax burden go up accordingly, the wealthiest few have had their tax rates lowered several times. Our economy has not grown as a result of this special treatment, but our deficit has. Restoring ordinary income rates on those earning over \$250,000 would reduce our deficit by hundreds of billions of dollars over the next 10 years while restoring balance to the tax code.

(7) Eliminate Paper Tax Liens. The Tax Lien Simplification Act (S. 1390) would create an electronic federal tax lien registry, available to the public at no cost, in place of the current antiquated system requiring federal tax liens to be filed on paper in 4,000 locations across the country. This simple, good government bill would save administrative costs, while expediting the removal of tax liens and freeing up an entire IRS division to tackle the collection of unpaid taxes that pose an unfair burden on honest taxpayers.

These common sense proposals, if enacted, would significantly reduce the federal deficit, while removing economic distortions from the marketplace and ending unfair tax expenditures and loopholes that disadvantage average taxpayers. Thank you for your consideration of these proposals.

Sincerely,

CARL LEVIN.

Mr. KERRY. Madam President, I yield myself such time as I use.

Let me, first of all, thank the Senator from Michigan, the chairman of the Armed Services Committee, for his comments and particularly for the recommendations that he is going to make to the supercommittee, to each of us. I think all of us in the Senate know Senator LEVIN is one of the most creative and thoughtful Senators. I am confident that the suggestions he makes are going to be important ones that are going to be worthy of consideration.

I know also, because it is something I began to focus on back in the 1980s, this issue of offshore havens is absolutely staggering. I look forward to this. I know the Senator has led the Permanent Subcommittee on Investigations on that. They have done outstanding work. I am confident that a lot of that work can be certainly put on the table, and it ought to be seriously considered. My hope is we can do something about it.

Mr. LEVIN. I thank my friend.

AMENDMENT NO. 613

Mr. KERRY. Madam President, one of the amendments we will vote on shortly is an amendment by Senator RAND PAUL with respect to cutting—or an offset, if you will—of \$6.9 billion from the State Department and USAID in order to fund FEMA disaster relief programs.

First of all, a number of colleagues have come to the Senate floor over the last couple of days and talked about the principle that has governed our efforts to provide disaster assistance through all of the years of this institution. We do not know how to plan on the amounts. We do not hold people accountable to other programs because of acts of God, natural disasters that arise suddenly, and the Nation has always been rich enough and responsible enough to guarantee that we provide assistance to communities that have been hard hit by a flood, by a tornado, ravaged by fires—by some natural disaster.

I think the notion that suddenly we are going to start offsetting at a time when we are engaged in a very delicate balance of offsets with respect to the regular budgeting process is to try to

put in place an inappropriate principle at an inappropriate time.

That argument has been made considerably. I want to talk for a minute about the merits of this particular proposal on its face. Let me make as clear as I can that this amendment would be absolutely devastating to our foreign aid and development programs. It would decimate agencies that have already taken huge funding cuts in fiscal year 2011, and it would completely undermine core national security priorities and humanitarian commitments.

Senator PAUL argues that foreign aid is “welfare we give to other nations, many of which are rich nations.” I disagree with both parts of that sentence, and I disagree profoundly with the notion that foreign aid is somehow welfare.

Foreign aid is an investment in our national security; it is not a gift to other countries. It is a very small investment that provides an enormous return in so many different ways in terms of advancing the interests of our country, of our citizens. Because of foreign aid in many parts of the world we have relationships, and we have programs, we have initiatives, joint ventures that make Americans safer every single day. We need to put politics aside and focus on concrete facts.

I know the easiest thing in the world is to walk into a big townhall meeting and say we ought to be building in—whatever the community you are in—before we send money somewhere else, and everybody cheers. There is an instant reaction—easy applause, easy politics, but not smart politics in terms of the interests of our country.

The fact is all of our foreign aid programs, all of our foreign policy initiatives, all in the State Department, everything we do in USAID, all the things we do from sending a diplomat to Baghdad or Pakistan or Afghanistan, every effort we make to help reverse the global HIV/AIDS epidemic, all of the things our State Department engages in make up barely 1 percent of the annual budget.

So often when we go out to those townhalls that are ready to applaud the idea of just giving the money here, we ask people: How much do you think we give in foreign aid? And people say: Oh, my God, it is 50 percent of our budget or 10 percent or 5 percent. It is none of those. It is barely 1 percent.

We spend about \$700 billion on our military. By contrast, the international affairs budget in its entirety is less than one-tenth of the Pentagon's. A former Secretary of Defense, Bob Gates, pointed out, I think only a year or so ago, that if we took the entire Foreign Service roster we could barely crew one aircraft carrier in the U.S. Navy.

I understand we face a budget crisis in our own country. Obviously, I understand that. We are working hard to address this issue in the new committee that has been formed by the Congress. But if we cut these funds now, I guar-

antee my colleagues we will pay a much stiffer price later for increased threats to our national security, for loss of opportunity, for loss of business, for graver crises, all of which will come as a result of America pulling back.

I remind Senators our foreign policy and development programs have already been cut to the bone. The final fiscal year 2011 spending agreement cut \$6.5 billion from the international affairs budget. That is a 10-percent cut. How many agencies took a 10-percent cut? It happens to also be a 15-percent cut from the President's request.

At a time that we are fighting a war in Afghanistan, when we are managing turmoil in the Middle East, when we are trying to guarantee that in Egypt, which we have encouraged to have an uprising, which we have celebrated for its reach for democracy and for freedom, at a time when it is trying to do it, are we going to pull the rug out from under them and say: Go ahead Muslim brotherhood, its pickings are all for you?

It doesn't make any sense at a time when we are coping with unprecedented famine in the Horn of Africa, millions of people starving to death, a global tragedy that challenges the morality of our Nation—it would be unbelievably extreme and irresponsible to take the approach that Senator PAUL's amendment takes. It would jeopardize our national security in several important ways. Let me just name a few specifically.

First of all, it would threaten the State Department and USAID's ability to serve as a critical partner to the military in postconflict situations. For instance, in Afghanistan we are working hand in hand, State Department and Defense Department, in order to be able to transition to the Afghan forces. This would put those troops at risk, put that effort at risk. I think it would raise serious questions about the viability of what we are trying to accomplish.

We are at a critical juncture in those efforts to stabilize Afghanistan and Pakistan. Cutting our aid to those countries will impact our military operations. For all of those Senators who want to get out of Afghanistan faster, we pull the aid out from underneath it, and we may be getting out in a way we do not want to, or we will make it longer before we get out in the way that we do want to.

I suggest respectfully Senator PAUL said he would “much rather send . . . professors around the world than . . . our soldiers.” I don't know an American who would not rather do that. We all hope that can happen as soon as possible. But we cannot just ordain it by saying: Here it is, here is what we are doing, and change the situations on the ground. The wish does not become the father to the fact in those situations.

As we have seen in recent days with the attack on our embassy in Kabul, there is a lot of work to be done in Afghanistan before our college deans can

take over from our district support teams.

This cut would set back progress in creating markets for U.S. goods and services. Here we are struggling to create jobs in the United States. One of the best opportunities for jobs is export—export to the new, emerging middle classes of India, Brazil, Korea, Mexico, China, other places. We want to sell them those products. But if all of a sudden we are pulling back our ability to marshal opportunities in those markets, if we reduce the ability of the U.S. businesses to get those opportunities, we diminish our own efforts to strengthen our economy.

We don't just face a budget deficit crisis, we also face a jobs deficit. In the face of global competition, our growth in our exports is directly tied to our ability to create new American markets. Money we spend helping to stabilize emerging economies has an amazing impact on our own economy, and that has been proven for all the years, certainly, since the end of World War II.

The Paul amendment would also lead to a \$1 billion cut in our battle against global AIDS. PEPFAR, the President's program on which George Bush—President George Bush, Republican—worked with us on the Foreign Relations Committee, a program Senator Helms and Senator Frist and I and others originally developed, a program that currently supports 3.5 million people on lifesaving HIV/AIDS treatment, a reduction this size to 2011 funds would mean that around 1 million people would be thrown off of those treatments, dramatically reducing the numbers of lives saved through this program.

We are a country that has prided ourselves on our willingness to live our values. The Judeo-Christian ethic is one of charity and one of concern for the poor, the downtrodden, the sick, and so forth. It is hard for me to understand how we can take an ethic of our private lives that everybody talks about so pronouncedly around here and look at the fact that there are some folks in America who tithe 10 percent of their income, or others who give a fixed percentage of their income in order to help the world, and here we are, as a matter of national policy, going to put 1 million people at risk from a program we are currently saving lives on? I don't understand that kind of value system.

It would derail our efforts to forestall famine in the Horn of Africa, and that would trigger long-lasting suffering and destabilize the neighboring countries such as Yemen, Kenya, and Somalia. In Somalia alone approximately 3.2 million people are in need of immediate lifesaving assistance, a half million children are acutely malnourished, and more than 29,000 children under the age of 5 have tragically died.

This planet knows how to feed people. Rich countries have an obligation to try to do that. Our obligation is de

minimis. We should not come in here installing a new principle all of a sudden, for the first time ever, saying we have to offset money to pay for emergency assistance to our communities at the expense of young kids who are starving in another part of the world.

I hope my colleagues will recognize this amendment is not the right way to approach this. It would have a negligible impact on our budget deficit, and its real impact on our security would be enormous.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I know the vote has been scheduled, but I ask unanimous consent 2 minutes be provided prior to the amendment votes and 4 minutes prior to final passage.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 610

Who yields time?

Ms. LANDRIEU. Madam President, how much time before the vote?

The PRESIDING OFFICER. There is 2 minutes.

Ms. LANDRIEU. I wish to speak, if I could, before the time is out.

The PRESIDING OFFICER. Without objection.

Ms. LANDRIEU. Madam President, in a few minutes, because the two amendments have been debated extensively this afternoon, I want to thank the Senator from Massachusetts for his strong objection to one of the amendments and the eloquent way he expressed the feelings of so many of us who will be voting with Senator KERRY against the Paul amendment.

Let me put this up, as I have been using this all week. The underlying bill we will be voting on in a few minutes will give the Senate the opportunity to vote for disaster relief now. It is the only vehicle available to us in the Senate to vote for relatively full disaster relief for the year 2012 now. I want people to realize, as they are considering how they are going to vote, we received 61 votes.

The PRESIDING OFFICER. The time has expired.

Ms. LANDRIEU. I understand we are out of time. I will speak later. Again, it gives us an opportunity to vote for disaster relief now.

The PRESIDING OFFICER. Who yields time in opposition?

Ms. LANDRIEU. I yield back the time, and I ask for the yeas and nays.

The PRESIDING OFFICER. All time is yielded back.

Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

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

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—54

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

NAYS—45

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

NOT VOTING—1

Kohl

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 45. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

PAUL AMENDMENT NO. 613

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate on the Paul amendment No. 613. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Madam President, I ask unanimous consent that there be an additional 1 minute for Senator LINDSEY GRAHAM to speak on his amendment.

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

Mr. LEAHY. Madam President, my State was devastated by Hurricane Irene, and I am going to do everything possible to help Vermonters get the aid they need. But I strongly oppose the amendment offered by the junior Senator from Kentucky.

First, it is a terrible idea to cut critical national security programs to offset funding for emergency disasters. It would set a precedent and make it infinitely harder to help our States cope with these crises, whether it is Katrina or whether it is earthquakes or no matter what it is.

Disasters strike unexpectedly. The funding to recover and rebuild is not built into the budget. They strike Republican and Democratic States alike. To say in this: Well, why don't we cut out our State Department or our embassies, so we cut out the aid the United States gives to Haiti—we live in a global economy—this amendment makes no sense.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I thank the Chair.

This is very important. We are broke at home, and there are a lot of things we could and should be doing for our States. I want to try to get our fiscal house in order, but we have to defend this country. The foreign operations account is national security in another form. If you just do not always want to bomb people, you need to help people help themselves, and the money in this account will allow people to stand up against terrorism and do things America has been doing for a long time; that is, helping people who really would be better off for the experience and have a kindness toward us.

If you think Israel needs a friend now, this would hurt our relationship in terms of support to Israel. So all of those in this body who want to make sure Israel gets the right message at a time of need, please vote against this amendment because it will hurt our relationship.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky is recognized.

Mr. PAUL. Madam President, I think we ought to make just one clarification of fact. Israel gets all their foreign aid in the beginning of the year. They get it differently than any other country. This amendment will not affect any funding to Israel. This funding will take away a percentage. It is about 10 percent of foreign aid.

Foreign aid or welfare is opposed by 77 percent of Americans. Even if you thought it was a good idea to give welfare to foreign countries, you do not have it. So you are borrowing this money from China or you are printing it up and you are adding to the debt. Our country faces a debt crisis. We are borrowing \$40,000 a second. I think it is unwise, when bridges are falling down and being closed in Louisville, KY, to send money to other countries, particularly money we are borrowing and printing.

I urge the support of my amendment to eliminate the 10 percent of foreign aid. I think it is a very reasonable proposal.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Paul amendment No. 613.

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nevada (Mr. HELLER).

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

The result was announced—yeas 20, nays 78, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—20

Barrasso	Inhofe	Sessions
Burr	Johnson (WI)	Shelby
Coburn	Lee	Thune
DeMint	Moran	Toomey
Enzi	Nelson (NE)	Vitter
Grassley	Paul	Wicker
Hutchison	Roberts	

NAYS—78

Akaka	Durbin	McConnell
Alexander	Feinstein	Menendez
Ayotte	Franken	Merkley
Baucus	Gillibrand	Mikulski
Begich	Graham	Murkowski
Bennet	Hagan	Murray
Bingaman	Harkin	Nelson (FL)
Blumenthal	Hatch	Portman
Blunt	Hoeven	Pryor
Boozman	Inouye	Reed
Boxer	Isakson	Reid
Brown (MA)	Johanns	Risch
Brown (OH)	Johnson (SD)	Rockefeller
Cantwell	Kerry	Rubio
Cardin	Kirk	Sanders
Carper	Klobuchar	Schumer
Casey	Kyl	Shaheen
Chambliss	Landrieu	Snowe
Coats	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	Lugar	Warner
Corker	Manchin	Webb
Cornyn	McCain	Whitehouse
Crapo	McCaskill	Wyden

NOT VOTING—2

Heller	Kohl
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The PRESIDING OFFICER. On this vote, the yeas are 20, the nays are 78. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The majority leader is recognized.

Mr. REID. Before I recite the unanimous consent request that I hope will be approved, what we intend to do is have a vote on final passage of the joint resolution now before us, 10 minutes of debate, there will be votes on two amendments and then final passage. So we have four more votes and we should be finished.

I wish to express my appreciation to everyone. You will note in my last two speeches I made before the Senate yesterday and today, I said a lot of nice things about Republicans, the reason being that is how we have accomplished a lot. We got a decent bill from the House and we have been able to move forward on this legislation.

The Republican leader and I had quite a long conversation here in the well. We have a lot of work to do, but we want to do it together. So the cooperation we have had this week by both Democrats and Republicans has been extremely important.

UNANIMOUS CONSENT AGREEMENT—H.R. 2887

Mr. REID. Madam President, I ask unanimous consent that at a time to be determined by me, after consultation with the Republican leader, the Senate proceed to consideration of Calendar No. 167; that the only first-degree amendments in order to the bill be the following, the text of which are at the desk: Paul regarding limitation of highway trust fund; Paul regarding FAA funding levels; that there be up to

10 minutes of debate on the amendments and the bill to be equally divided between Senators PAUL and the majority leader or their designees, prior to votes in relation to the amendments in the order listed; that there be no amendments in order to any of the amendments prior to the votes; that the amendments be subject to a 60-vote threshold; that upon disposition of the amendments, the Senate proceed to vote on the passage of the bill, as amended, if amended; that there be no other amendments, points of order or motions in order to the bill other than the budget points of order and the applicable motion to waive; that the motion to reconsider be considered made and laid upon the table.

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

Mr. LIEBERMAN. Madam President, I rise today to join my colleagues in urging the Senate to adopt this resolution and replenish the disaster relief fund without further delay.

To so many people struck by disaster this year, this fund is a life preserver to help carry them over until they can get back on their feet and begin the long, hard road to recovery. Without assistance from this fund, many disaster survivors would have no place to live due to damaged and exposed homes; critical commuting routes would remain impassable; and debris would mar communities and morale for months on end.

We are not just talking about a few disaster areas. This year seems like a record for major disasters, affecting all parts of our country. Nearly every State has sought and received assistance, which is why the fund is now perilously low. It has dwindled to about \$377 million. At this rate, Senate appropriators say the fund may last for just days.

As I speak, wildfires are still blazing through drought stricken central Texas. The worst wildfire in Texas history closed area schools down last week, 1,500 homes were destroyed in hundreds of fires, and tens of thousands of acres have been scorched.

My home State of Connecticut was among those affected when Hurricane Irene swept ashore at the end of August, bringing gale force winds and tidal surges that knocked out power for days in many areas, damaged millions of dollars worth of property, and left whole communities under water. And when Irene struck, it didn't just touch down in one State or two. It sideswiped practically the entire eastern seaboard from North Carolina to Maine.

In Connecticut alone, the early preliminary and therefore probably low estimates of damage from this single disaster are around \$300 million.

These major calamities only take us back to the last week of August.

In June and July, record flooding on the Mississippi and Missouri Rivers displaced thousands of people and ravaged land throughout the West and Midwest.

A string of tornadoes ripped through the Southeast and Midwest in April, killing hundreds of people, destroying countless homes and businesses and costing billions of dollars. A third of Joplin, MO, was wiped out, and that community continues to struggle to rebuild.

In February, the Midwest and Northeast were buried under 2 feet of snow.

That is not an exhaustive list, but the point is that these disasters have been equal opportunity ravagers, affecting almost every State in the Union this year. In fact, the President has declared this year a state of emergency in 47 States! Only Nevada, West Virginia, and Michigan have been spared.

So the replenishment of the disaster relief fund should not divide us along partisan lines. Nor should it divide us among geographic lines, or city versus rural lines. This fund has been tapped by almost every one of our States, and I know that the people of Connecticut were relieved when they learned that the Federal Government would help them get their lives back on track. I suspect the citizens of every other State that received disaster relief funds were similarly grateful.

Frankly, it doesn't really matter if 2 States or 47 States have been declared disaster areas. Helping people in need is what our Government does. The whole point of a federal government is to handle challenges that individual States, much less individual communities, cannot. The defense of our Nation is first and foremost among these Federal responsibilities, but so is providing aid to people and States following a natural or man-made disaster that takes as heavy a toll as this year's disasters have.

Congress has a long history of supplementing the disaster relief fund to cover those in need. From 2003 to 2010, \$12.3 billion was appropriated through the regular appropriations process. But six times that much—\$73.4 billion—was appropriated through supplemental funding.

It should be noted that only a small part of the administration's request seeks supplemental funding. The bulk of the request is for fiscal year 2012, and the aid requested constitutes disaster relief within the meaning of the Budget Control Act, which allows discretionary spending levels to be raised up to a certain limit—a limit that is not breached by the administration's request.

Already FEMA has had to start prioritizing its relief activities so that those in most immediate need can be assisted. In other words, longer term recovery projects not yet in the FEMA pipeline have been put on hold. That is how low the reserves are in the disaster recovery fund.

Current and future survivors will continue to receive assistance to help replace or repair damages to property or cover other personal losses. States will also continue to receive reim-

bursment for debris removal, emergency response and protective measures, and other critical needs. But FEMA has essentially had to begin rationing aid. That is just plain wrong. The people who suffer in one disaster are no more or less entitled to aid than those who suffer in another disaster. We are a humane country, not a selectively humane country.

As I said when I toured flooded homes on the Connecticut shore 2 weeks ago, the Federal Government does not default on its obligations—whether we are talking about debts to foreign nations or promised aid to its own citizens in need, through no fault of their own.

I have faith my colleagues will come together across party lines, as we have done so many times in the past, to replenish FEMA's disaster relief fund, which was designed to help make people whole again after major disasters.

Mr. LEVIN. Madam President, we soon will vote on a measure that includes two significant pieces of legislation. I support passage of both—one that upholds our duty to assist Americans coping with natural disasters, and one that upholds our duty as Americans to speak out against oppression and abuse around the world.

The first measure provides emergency supplemental funding for disaster relief and recovery efforts. Congress must do its job to appropriate emergency funding for disaster response and recovery quickly and thoughtfully, as we have done numerous times in the past. I will vote for this measure because the \$6.9 billion in emergency supplemental funding for disaster relief and recovery is necessary to help families and businesses bounce back from catastrophic loss, to rebuild damaged infrastructure, to respond to emergencies, to restore forests and watersheds damaged by disaster, and to improve flood control structures. Importantly, this legislation does not set the bad precedent of requiring an offset in order to help communities and families when disaster strikes.

The second measure would renew sanctions against Burma by extending the import restrictions put in place under the Burmese Freedom and Democracy Act of 2003.

While the Burmese government has shown some recent signs of a willingness to implement meaningful reforms, legitimate questions regarding its commitment to these reforms as well as continuing concerns about the ongoing detention of political prisoners and about serious human rights violations justify the renewal of these sanctions.

I urge my colleagues to approve this important measure as a reaffirmation of our concern for those here at home who are struck by disaster, and for those abroad who suffer under oppression.

AMENDMENT NO. 602

The PRESIDING OFFICER. Under the previous order, there is now 2 min-

utes of debate on Reid amendment No. 602. Who yields time?

The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I would like to speak for final passage. I would like to speak last.

Is there anyone who wants to speak in opposition?

The PRESIDING OFFICER. Is there someone to speak in opposition?

Ms. LANDRIEU. If not, then I will take the time to close. I wanted to say thanks to several Members, many Members on my side who have helped this week to clarify this issue and to build support for disaster funding for the 48 States that are currently experiencing devastation.

I wish to thank Members on the other side of the aisle, particularly Senators BLUNT, VITTER, RUBIO, others, Senator SNOWE who have left their voice and their vote to help us get to this point. I particularly wish to thank Senator BLUNT for spending 15 minutes on the floor today saying how crucial this is not only to his State of Missouri but to the whole country.

I wish to thank the Members on my side, Senators LEAHY and SCHUMER and HAGAN and others who have helped so much this week—Senator SHAHEEN, who has been at all the press conferences, Senator SANDERS.

Let me say this is the only vehicle—the only vehicle—we have before us to do long-term full funding for the disaster relief. This bill will provide help to Nebraska, to Minot, ND, to New York, to the east coast, to Tuscaloosa, AL, Joplin, MO.

If we do not vote for this, the DRF funding will be empty. This money gives us not only additional funding for disaster relief, but it also provides an additional \$1.1 billion for the Corps of Engineers and funding for a few other programs that are essential to rebuilding.

I ask unanimous consent for an additional 30 seconds.

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

Ms. LANDRIEU. Since there is no opposition that is going to speak, I would like to take those 2 minutes as well.

This is a very important vote. I know there are some people who think we should have gone through a regular process. The last time we went through a regular process, with individual votes coming to the floor by October 1, was 1994. It is 2011. As the appropriator, the chair of this committee, I knew that was not a way to go to bring quick relief to the disaster victims who need help.

So the stand-alone approach, sending a strong vote from the Senate today, will help us negotiate with the House. They have a different idea. I happen not to agree with their idea. They are entitled to their own idea. We are entitled to our own idea, and our own idea is with Democrats and Republicans voting yes on this Burma sanctions bill, we can send reliable, long-term funding.

In closing, let me tell you what the alternative is if you vote no. If you vote no on this and think you can go home and tell your people you helped them, you are going to be faced next week with a vote to give your people 6 weeks of disaster funding. That is how long the continuing resolution lasts.

Believe me, having had to rebuild a good part of our State, you cannot do it 6 weeks at a time. I strongly suggest you give a strong vote for disaster victims, long-term funding they can rely on, and we negotiate with the House next week.

The PRESIDING OFFICER (Mr. FRANKEN). The question is on agreeing to the Reid amendment No. 602.

Mr. DURBIN. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

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

The result was announced—yeas 62, nays 37, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—62

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

NAYS—37

Alexander	Enzi	McCain
Ayotte	Graham	McConnell
Barrasso	Grassley	Moran
Boozman	Hatch	Paul
Burr	Hutchison	Portman
Chambliss	Inhofe	Risch
Coats	Isakson	Roberts
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Corker	Kirk	Thune
Cornyn	Kyl	Wicker
Crapo	Lee	
DeMint	Lugar	

NOT VOTING—1

Kohl

The PRESIDING OFFICER. On this vote the yeas are 62, the nays are 37. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time.

The PRESIDING OFFICER. Under the previous order, the joint resolution,

H.J. Res. 66, as amended, is passed, and the motion to reconsider is considered made and laid upon the table.

The joint resolution (H.J. Res. 66), as amended, was passed, as follows:

H.J. RES. 66

Resolved, That the resolution from the House of Representatives (H.J. Res. 66) entitled “Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.”, do pass with the following amendment:

Strike all after the resolving clause and insert the following:

DIVISION A—RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

SECTION 1. RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

(a) *IN GENERAL.*—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A (b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(b) *RULE OF CONSTRUCTION.*—This division shall be deemed to be a “renewal resolution” for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

SEC. 2. EFFECTIVE DATE.

This division shall take effect on the date of the enactment of this joint resolution or July 26, 2011, whichever occurs earlier.

DIVISION B—SUPPLEMENTAL APPROPRIATIONS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for disaster relief for the fiscal year ending September 30, 2011, and for other purposes, namely:

TITLE I

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For “Emergency Conservation Program” for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$78,000,000, to remain available until expended: Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

EMERGENCY FOREST RESTORATION PROGRAM

For “Emergency Forest Restoration Program”, for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$49,000,000, to remain available until expended: Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

For “Emergency Watershed Protection Program” for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$139,000,000, to remain available until expended: Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011:

Provided further, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for “Economic Development Assistance Programs” for expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation in 2011 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$135,000,000, to remain available until expended: Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

TITLE III

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for “Mississippi River and Tributaries” for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$890,177,300, to remain available until expended for repair of damages to Federal projects: Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That each amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

OPERATION AND MAINTENANCE

For an additional amount for “Operation and Maintenance”, \$60,000,000, to remain available until expended to dredge navigation channels and repair damage to Corps projects nationwide related to natural disasters: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That the amount in this paragraph is designated by Congress as being for an emergency requirement pursuant to section 3(c)(1) of H. Res. 5 (112th Congress) and to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

For an additional amount for “Operation and Maintenance” for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) to dredge navigation channels and repair damage to Corps projects nationwide related to natural disasters, \$88,003,700, to remain available until expended: Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House

of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That each amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for “Flood Control and Coastal Emergencies”, as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repair and other activities in response to recent natural disasters as authorized by law, \$244,000,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That the amount in this paragraph is designated by Congress as being for an emergency requirement pursuant to section 3(c)(1) of H. Res. 5 (112th Congress) and to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

For an additional amount for “Flood Control and Coastal Emergencies”, for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) and as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repair and other activities in response to recent natural disasters as authorized by law, \$66,387,000, to remain available until expended: Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That each amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

TITLE IV

DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY DISASTER RELIEF

For an additional amount for “Disaster Relief”, \$500,000,000, to remain available until expended: Provided, That the amount in this paragraph is designated by Congress as being for an emergency requirement pursuant to section 3(c)(1) of H. Res. 5 (112th Congress) and to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

For an additional amount for the “Disaster Relief” for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$4,600,000,000, to remain available until expended: Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended. This Act may be cited as the “Emergency Supplemental

Disaster Relief Appropriations Resolution, 2011”.

TITLE V

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMMUNITY PLANNING AND DEVELOPMENT COMMUNITY DEVELOPMENT FUND

For an additional amount for the “Community Development Fund”, for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) in 2011, \$100,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93-383): Provided, That the amount in this paragraph shall not become available for obligation until October 1, 2011: Provided further, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended: Provided further, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: Provided further, That prior to the obligation of funds a grantee shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: Provided further, That funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: Provided further, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: Provided further, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State or subdivision thereof under the Community Development Fund: Provided further, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: Provided further, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver.

This division may be cited as the “Emergency Supplemental Disaster Relief Appropriations Resolution, 2011”.

SURFACE AND AIR TRANSPORTATION PROGRAMS EXTENSION ACT OF 2011

Mr. REID. Mr. President, I move to proceed to H.R. 2887 under the terms of the previous order.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2887) to provide an extension of surface and air transportation programs, and for other purposes.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the three votes that will come soon be limited to 10 minutes each.

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

Under the previous order, there will be 10 minutes of debate equally divided between the Senator from Kentucky, Mr. PAUL, and the Senator from Nevada, Mr. REID, or their designees.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENTS NOS. 621 AND 622

Mr. PAUL. Mr. President, I ask unanimous consent to call up en bloc my amendments Nos. 621 and 622.

The PRESIDING OFFICER. Without objection, the clerk will report the amendments by number.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes en bloc amendments numbered 621 and 622.

Mr. PAUL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 621

(Purpose: To limit the amount authorized to be expended from the Highway Trust Fund in any fiscal year to the amount anticipated to be deposited into the Highway Trust Fund in that fiscal year)

On page 38, line 24, strike “(d)” and insert the following:

(d) LIMITATION ON HIGHWAY TRUST FUND EXPENDITURES.—Notwithstanding any other provision of law, the amount authorized to be expended or transferred during a fiscal year from the Highway Trust Fund, established under section 9503 of the Internal Revenue Code of 1986, may not exceed the amount appropriated, transferred, or otherwise made available to the Highway Trust Fund during such fiscal year, based on estimates made by the Congressional Budget Office.

(e)

AMENDMENT NO. 622

(Purpose: To decrease the authorization of appropriations for the Federal Aviation Administration to fiscal year 2008 levels)

At the end of title II, add the following:

SEC. 210. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL AVIATION ADMINISTRATION AT FISCAL YEAR 2008 LEVELS.

Notwithstanding the provisions of, or amendments made by, this title, or any other provision of law, there are authorized to be appropriated to the Federal Aviation Administration for the period beginning on September 17, 2011, and ending on January 31, 2012, for all purposes (other than for the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986) amounts not to exceed the amounts authorized to be appropriated to the Administration for the period beginning on September 17, 2007, and ending on January 31, 2008, for such purposes.

Mr. PAUL. Mr. President, we are considering today the highway bill and the

FAA bill. The highway bill is a trust fund. When we hear the words “trust fund,” we should have trust that money is only spent on highways. Unfortunately, that money has been spent through the years on other items. The same applies to the Social Security trust fund and with the Medicare trust fund. It is all sent to the General Treasury, and it is not protected.

What I am asking today through this amendment to the highway bill is that we keep the trust fund separate and the trust fund spends only money that comes in from the gas tax. If we continue to spend money that is not coming in from the gas tax, this will be money borrowed from China or simply printed, and there are ramifications to borrowing \$40,000 a second.

So my amendment to the highway bill would say we only spend what comes in through taxes. I consider this to be responsible budgeting and what we should be doing and likely what we were probably obligated under the original trust agreement to do. So I urge passage of this amendment which would limit the highway trust fund to that amount of funds coming in through taxes.

My second amendment is to the FAA bill. This amendment says spending in the FAA bill go to 2008 levels. Since 2008, spending in our government has gone up 25 percent. We are mounting a deficit of \$1.5 trillion. Our Nation's debt is \$14 trillion. There are significant ramifications to incurring so much debt.

The debt does have a face—it is the face of unemployment. Economists have said our debt burden is leading to our losing 1 million jobs a year; that 1 million people are out of work because of the debt we carry. Economists have also said this debt burden, when it is paid for through the printing of money, leads to higher prices in the stores. Our gas prices have doubled not because gas is more precious but because our dollar is less precious. Our dollar is less precious because we are paying for a debt by inflating the currency.

What this amendment asks is that we go back to 2008 levels, which, believe it or not, if we did this through the entire government, will still not balance the budget. This is a modest proposal. It is the very least we can do if we believe in a responsible budget and that we must balance our budget.

The second amendment would take spending to 2008 levels, and I encourage the Senate to pass these amendments.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, the majority leader has asked that Senator ROCKEFELLER have 2½ minutes of the time that remains on our side, which shall be divided, and I will have the 2½ minutes to speak about the highway amendment, which I would share that, if he wants to, with Senator INHOFE. I ask unanimous consent that be the order.

The PRESIDING OFFICER. Senator REID has 5 minutes total under his control.

Mrs. BOXER. That is what I said, 2½ minutes and 2½ minutes.

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

Mrs. HUTCHISON. If I can clarify, I think the Senator from California is saying the highway bill will get 2½ minutes, and we will agree to split our time with the ranking members.

Mrs. BOXER. That is correct.

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

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I rise in opposition—very strong opposition—to the Paul amendment. The Senate voted on this earlier this year and turned it down very emphatically. The Federal Aviation Administration, FAA, is taken for granted by some. They just assume there will always be money and everything can go on constantly. The Senate has rejected this.

The FAA has raised very substantial concerns publicly—but more importantly, from my point of view, to me privately—that at all levels they will have to start compromising safety, although they will not intend to, and eventually we will put FAA at risk.

It is a very bad and dangerous amendment—a mischievous amendment—and it should be defeated.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I urge my colleagues not to support the Paul amendment on FAA. Although I understand what he is trying to do, to bring it down, this is a clean extension that has been passed by the House. The House has gone out for the weekend, and the FAA authorization lapses tomorrow. We have had a shutdown of the FAA in the last 6 weeks and it disrupts airport expansions, and it disrupts the FAA itself.

We will work with Senator PAUL to make sure we are doing everything we can to cut the FAA budget, but this is a clean 2011 extension, with no additions, and I urge my colleagues to support the bill without the amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, if you can tell me when I have finished with 1½ minutes, please.

The PRESIDING OFFICER. Yes.

Mr. INHOFE. Point of inquiry, Mr. President. At some point I want 30 seconds, if we can figure out how to do that.

Mrs. BOXER. I will reserve the rest of the time for the Senator to close. So tell me when I have used that 1½ minutes, and the Senator will have 1 minute left.

Today, Mr. President, was a very rough day for us to get to this moment. I thank everyone who came together to finally get this moving.

Let me tell you why we are at a critical moment. We clearly have to keep the FAA going, and we are. I think we

are going to win that amendment. On transportation, Senator PAUL has offered an amendment that technically doesn't do anything, but it is his intent, as he said, to cut the funding by one-third.

If that amendment were to pass, and if his intent was carried out, it would mean we would lose 608,000 jobs right away—608,000 jobs right away. We can't afford to do that.

The funding is in this bill. There is no need to cut this bill. It is paid for, and we are ready to go. Republicans and Democrats on the Environment and Public Works Committee are in agreement on a clean extension.

I thank my ranking member. As everyone knows, we do not see eye to eye on the environment, and that is an understatement.

The PRESIDING OFFICER. The Senator has used her allotted time.

Mrs. BOXER. On infrastructure, we are together. We want a clean extension. We fight for these jobs and these businesses.

I thank the Chair, and I yield the remainder of my time to the ranking member.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. We have two amendments we are talking about now in a short period of time. First, I will support the FAA amendment. I think Senator PAUL has a good idea.

I would only say this: I want my Republican conservatives to listen carefully. This is totally different than any other bill because what this is—there is adequate money right now in the highway trust fund to carry out the existing spending until 2013. So I would only say that money is dedicated for that purpose, and it is going to be spent for that purpose. Anything that came from a source other than a gas tax was merely paid back from money borrowed out of the trust fund. So from a moral standpoint, this should be spent on infrastructure on the highway bill—on the extension. Then we will be able to talk about something more important, which is the bill coming up, and that will be the permanent one.

So I think it is not going to make any difference. I will oppose it on concept because that money is dedicated for a purpose and paid for by people who believe we are going to improve our highways.

The PRESIDING OFFICER. The Senator from Kentucky has 2 minutes.

Mr. PAUL. Mr. President, I am satisfied, and I would ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to Amendment No. 621.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

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

The result was announced—yeas 14, nays 84, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—14

Burr	Crapo	McCain
Chambliss	DeMint	Paul
Coats	Johnson (WI)	Risch
Coburn	Kyl	Toomey
Corker	Lee	

NAYS—84

Akaka	Graham	Moran
Alexander	Grassley	Murkowski
Ayotte	Hagan	Murray
Barrasso	Harkin	Nelson (NE)
Baucus	Hatch	Nelson (FL)
Begich	Heller	Portman
Bennet	Hoeben	Pryor
Bingaman	Hutchison	Reed
Blumenthal	Inhofe	Reid
Blunt	Inouye	Roberts
Boozman	Isakson	Rockefeller
Boxer	Johanns	Sanders
Brown (MA)	Johnson (SD)	Schumer
Brown (OH)	Kerry	Sessions
Cantwell	Kirk	Shaheen
Cardin	Klobuchar	Shelby
Carper	Landrieu	Snowe
Casey	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Levin	Thune
Conrad	Lieberman	Udall (CO)
Coons	Lugar	Udall (NM)
Cornyn	Manchin	Vitter
Durbin	McCaskill	Warner
Enzi	McConnell	Webb
Feinstein	Menendez	Whitehouse
Franken	Merkley	Wicker
Gillibrand	Mikulski	Wyden

NOT VOTING—2

Kohl Rubio

The PRESIDING OFFICER. On this vote, the yeas are 14, the nays are 84. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

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

VOTE ON AMENDMENT NO. 622

Under the previous order, the question is on agreeing to amendment No. 622, offered by the Senator from Kentucky, Mr. PAUL.

Mr. INHOFE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted "yes."

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

The result was announced—yeas 36, nays 61, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—36

Ayotte	Graham	McConnell
Barrasso	Grassley	Moran
Blunt	Hatch	Paul
Boozman	Heller	Portman
Burr	Inhofe	Risch
Chambliss	Isakson	Roberts
Coburn	Johanns	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Kirk	Thune
Crapo	Kyl	Toomey
DeMint	Lee	Vitter
Enzi	McCain	Wicker

NAYS—61

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

NOT VOTING—3

Kohl Landrieu Rubio

The PRESIDING OFFICER. On this vote the yeas are 36, the nays are 61. Under the previous order requiring 60 votes, the amendment is rejected.

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

Mr. LEVIN. Mr. President, I will vote for passage of H.R. 2887, a combined FAA and surface transportation extension bill.

This legislation averts a damaging shutdown of either program. If we fail to extend these programs, it will mean layoffs and the loss of significant revenue to fund airport and road programs.

The current FAA extension expires tomorrow and the current surface transportation extension expires at the end of the month, along with the authority to collect the Federal gas taxes that fund the Highway Trust Fund. Passing this bill quickly and extending the FAA reauthorization for 4 months and the surface transportation bill for 6 months allows Congress more time to work out the issues that are holding up completing long-term reauthorizations.

Just as important, it keeps thousands of workers on the job, supporting their families.

Mr. HATCH. Mr. President, I want to explain my vote of the FAA extension.

As I have said many times, I share House Transportation and Infrastructure Committee Chairman MICA's frustration, and the frustration of Republican leadership in both the House and the Senate, that favors to organized labor have overshadowed the prospects for long-term FAA reauthorization.

Last year the National Mediation Board changed the rules under which employees of airlines and railroads are

able to unionize. For decades the standard has been that a majority of employees would have to agree in an election to form a union. However, the new NMB rules changed that standard so that all it takes to unionize is a majority of employees voting. The NMB wants to permanently impose unionization with less than majority support.

The House passed long-term FAA reauthorization bill includes language I strongly support that eliminates this favor for big labor.

The enactment of a long-term FAA reauthorization bill is very important and is something we need to accomplish. However, the NMB issue needs to be resolved for long-term FAA reauthorization to occur. I will work with my colleagues on a resolution, but they should be on notice that avoiding the issue through 22 short-term extensions is no longer an alternative. I hope my friends have a restful weekend, but they shouldn't feel too relaxed even though we just extended the FAA for 4 months. We need to get back to work on a long-term FAA reauthorization bill right away.

Mr. LEAHY. Mr. President, Senators SANDERS, LAUTENBERG, CONRAD, GILLIBRAND and I filed an amendment to provide an additional \$2.5 billion to the Federal Highway Administration's Emergency Relief Fund, which is woefully underfunded right now. In addition, our amendment would waive the \$100 million per State cap on emergency funding, which has been done for previous disasters, and allow 100 percent Federal reimbursement for disaster repair work occurring more than 180 days after the disaster.

Nearly 3 weeks ago, Vermont bore the full brunt of then-Tropical Storm Irene as it turned gentle mountain streams and valley rivers into raging torrents of destruction. Whole towns were cut off from the outside world. Homes, businesses, farms, water systems, and miles of roads and bridges were swept away. And some Vermonters lost their lives in these devastating floods.

Roads, bridges, and rail lines all over the State have been wiped out. Flooding closed more than 300 town and State roads and damaged more than 30 bridges in Vermont, stranding people in more than a dozen towns for days. It is going to take years and years for my small State to recover.

In the aftermath, it has been extremely difficult to move emergency supplies and rebuilding materials around, as some of the washed-out roads have gaping gullies in the middle that are 30 feet or more deep, and some of the reopened roads and bridges are not yet recommended for heavy traffic.

The consequences have been harsh. Residents are forced to make 30-mile-plus detours to the nearest grocery store or doctor—on mountain roads, some of them unpaved. Businesses are struggling to reopen and find customers. Schools have been forced to remain closed until repairs are made.

And tourists are worried about traveling to Vermont this fall to see the foliage or this winter to do some skiing.

Our small State is stretched to the limit right now. Winter is fast approaching, which means the end of the construction season is near. By November it will be too cold to lay asphalt, and by December snow and ice will cover the mountains, leaving many towns dangerously isolated. We need to make more permanent repairs as soon as possible or future rains and the fall's freeze-thaw cycle will further deteriorate our roads and make them all but impassable this winter. With just weeks to accomplish so much, we need the full and immediate support of FEMA, the Department of Transportation, and many other Federal agencies.

Earlier natural disasters across the Nation have drawn down our emergency fund accounts, jeopardizing the ability to respond in those States, as well as the newly stricken States such as Vermont. FEMA has less than \$400 million in its disaster account for the rest of fiscal year 2011, and the Federal Highway Administration's disaster account is under \$200 million. On top of that, the Federal highway account already has over \$1 billion in backlogged projects waiting for funding. Since damage to Vermont's Federal-aid roads and bridges alone will exceed half a billion dollars, it is unclear whether the \$2.5 billion we propose in this amendment will even cover all of the costs for declared disasters including Irene. But it is a good start.

We must act quickly to replenish FEMA's disaster relief fund, Federal highway's emergency road fund, and a variety of other disaster accounts that are at dangerously low levels right now. Without additional funding to these and other emergency accounts, Vermont and all of the other 49 States with ongoing Federal disasters will not have the resources they need to rebuild.

Thousands of American families and businesses have been devastated by an unprecedented series of floods, tornadoes, hurricanes, wildfires, and other natural disasters this year. The people hurting out there are desperate for a helping hand from their fellow Americans. Given the breadth and depth of Irene's destruction, on top of the ongoing disasters already declared in all 50 States, we must ensure that FEMA, the Department of Transportation, and all of the other Federal agencies involved in disaster-relief efforts have the resources they need to help our citizens in their desperate time of need.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the bill having been read the third time, the question is, Shall the bill pass?

Mrs. FEINSTEIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL), is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: The Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted "yea."

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

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—92

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	Inouye	Roberts
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johanns	Sanders
Burr	Johnson (SD)	Schumer
Cantwell	Kerry	Sessions
Cardin	Kirk	Shaheen
Carper	Klobuchar	Shelby
Casey	Kyl	Snowe
Chambliss	Landrieu	Stabenow
Coats	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	Lugar	Vitter
Corker	Manchin	Warner
Cornyn	McCain	Webb
Crapo	McCaskill	Whitehouse
Durbin	McConnell	Wicker
Enzi	Menendez	Wyden
Feinstein	Merkley	

NAYS—6

Coburn	Johnson (WI)	Paul
DeMint	Lee	Toomey

NOT VOTING—2

Kohl	Rubio
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The bill (H.R. 2887) was passed.

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

The Senator from Wyoming.

MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each, with an exception for myself and the other Senator from Wyoming, concerning a tribute to Malcolm Wallop, who passed away yesterday, and that we might have such time as needed.

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

RELATIVE TO THE DEATH OF THE HONORABLE MALCOLM WALLOP, FORMER SENATOR FROM THE STATE OF WYOMING

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 268, 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. 268) relative to the death of the Honorable Malcolm Wallop, former Senator from the State of Wyoming.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENZI. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 268) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 268

Whereas Malcolm Wallop served in the Wyoming House of Representatives from 1969 to 1972, and in the Wyoming Senate from 1973 to 1976;

Whereas Malcolm Wallop represented the people of the State of Wyoming in the United States Senate with distinction for 18 years, from 1977 to 1995;

Whereas, while serving in the Senate, Malcolm Wallop championed the development of space-based anti-missile defense, supported legislation to reduce inheritance and gift taxes, fought to restore fish habitats in the United States, and opposed the control of the water resources of the State of Wyoming by the Federal Government;

Whereas Malcolm Wallop created the Congressional Award Program in 1979 as a challenge to young people throughout the United States to change the world around them through personal initiative, achievement, and service;

Whereas, in 1984, Malcolm Wallop coauthored section 1014 of the Tax Reform Act of 1984 (Public Law 98-369; 98 Stat. 1015), commonly known as the Wallop-Breaux Amendment, which remains today as the leading legislative initiative for sport fish restoration in the United States;

Whereas Malcolm Wallop served as chairman of the Select Committee on Ethics, ranking member of the Committee on Energy and Natural Resources and the Committee on Armed Services, chairman of the Senate Steering Committee, and was the first nonlawyer in the history of the Senate to serve on the Committee on the Judiciary;

Whereas, after retiring from the Senate, Malcolm Wallop founded the Frontiers of Freedom Institute to continue addressing the issues he championed as a Senator and to ensure that the ideals he espoused were not forgotten; and

Whereas the hallmarks of Malcolm Wallop's public service were conservatism, civility, and working for the western way of life: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Malcolm Wallop, former member of the Senate; and

(2) the Secretary of the Senate communicate this resolution to the House of Representatives and transmit an enrolled copy

of this resolution to the family of the deceased.

Mr. ENZI. Mr. President, it was with a mixture of sadness for his loss and gratitude for having known him that I received the news that Malcolm Wallop had passed away yesterday. He was a man of strong principles who served over the years with some truly remarkable people, such as Dick Cheney and Al Simpson, to make up some of the most influential and strongly united State delegations I have ever seen.

Those of us who served with him will remember him with a great deal of fondness as one of the greatest warriors from Wyoming and the West who have ever served in the Senate. Whether a person agreed with him or not, he earned the respect of those he served with because it was clear he spoke from the heart with words that reflected his commitment to his home State of Wyoming and our Western way of life.

Malcolm was born in New York and later attended and graduated from Yale University. He immediately felt the call to serve his country, and he joined the Army. Then, when his days in the military were over, he returned to his life as a rancher in Wyoming. It was a vocation he took up with great passion as it reflected his love of the land and his enjoyment of the great outdoors. I think those long hours spent on his ranch gave him the time he needed to think about that which really mattered to him and to his future. It must have been there that he began to get his thoughts together and speak his mind on a long list of issues that mattered to him and to all of those who shared his political philosophy. It led him on a path over the years that would see him writing a long list of prestigious and popular publications that got him noticed and quoted throughout his long and productive career.

Malcolm found his home on his ranch, but he really found his true calling when he ran for and won a seat in the State legislature, first in the house and later on in the Senate. It was in the State legislature that he developed a well-earned reputation for being a thoughtful legislator who became the voice of his constituents as he worked to ensure their concerns were heard and heard clearly on a number of issues that affected them and their daily lives.

Encouraged by what he had been able to do, Malcolm ran for Governor, but God needed a legislator, so he lost the primary. Malcolm then set his sites on serving in the U.S. Senate. He ran against a three-term incumbent. He knew running for the Senate would not be easy, but he was always one willing to do whatever was needed to ensure he achieved his objectives. The Senate race proved to be no exception.

OSHA, the Occupational Safety and Health Administration, had come into being and drafted its first regulations. Malcolm noted the requirements for

extensive port-a-potties and built an ad that made the point. Of course, we can't show videos on the floor, but I have to describe this ad because it is still considered one of the classics of running for office.

The camera first shows a cowboy in a blue work shirt and a tattered straw hat saddling and mounting his horse while the announcer says:

Everywhere you look these days, the Federal Government is there, telling you what they think, telling you what they think you ought to think, telling you how you ought to do things, setting up rules you can't follow. I think the Federal Government is going too far. Now they say if you don't take that portable facility on a roundup, you can't go.

At that point, you see the cowboy shake his head in disgust, and then cut back to a donkey tied behind the cowboy's horse, and strapped on the donkey's back is a portable toilet. The cowboy rides off.

That ad got him noticed and elected, along with his great ability to explain things.

After a spirited campaign, Malcolm proudly took his oath of office and prepared for the challenges that would lie ahead as Wyoming's newest Senator. Some may have thought it wise to start slowly and eventually gain momentum but not Malcolm. He got here and started right to work on what he came here to do. Over the years, he served on a long list of committees, and he had an impact on each and every one of them. They included the Energy and Natural Resources Committee, the Finance Committee, the Small Business Committee, the Armed Services Committee, and the Select Committee on Intelligence. He will also be remembered as the first non-lawyer to serve on the Judiciary Committee.

Malcolm served for 18 years in the Senate, and the record reflects that he used his time wisely and well. Although it would be impossible to list everything he was able to accomplish during his service, quite a few milestones stand out that had a great impact not only on his constituents but on people across the whole country.

His legislation to cut inheritance and gift taxes was passed by Congress, an achievement that was hailed as one of the major legislative accomplishments at that time on tax reform. He also fought to stop the Federal Government's effort to control Wyoming's water resources and the taking of private property.

Although Malcolm's career had begun right in his own backyard, it wasn't long before he had expanded his sights and soon began to work on energy and foreign trade issues which took him to conferences and meetings all over the world. He had a great deal of success in those efforts as he worked to strengthen our relationships with our foreign trade partners. Because of his concern about our national defense, Malcolm was heavily involved in the work that was being done internation-

ally on arms control. He was an active participant in a number of those talks. Ultimately, the human rights issues and Western pressure on them helped to bring about deliberations on the Baltics and Eastern Europe.

Still, no matter where he was or what he was doing, he never lost his focus on his constituents back home and how they were being affected by what the Federal Government was doing or proposing. That is why so many in Wyoming will always remember him as a warrior who fought with all his might to put an end to the battle that was going on back then to increase Federal regulations and reduce State and local control over many facets of life in Wyoming and the West. He knew it had to be stopped, and he did not rest until he made it happen.

Malcolm was a true conservative, and the principles and values that meant so much to him helped to set his inner compass and guide and direct him in everything he did. His commitment to conservative values was so strong that it led him to create the Republican steering committee, which now includes just about all the Republicans in the Senate. He knew how important it was to create a working group that would serve as a sounding board that would provide guidance and direction for the ideas and proposals he and other conservatives wanted to offer to control spending, to limit the growth of government, and to ensure freedoms we have all come to cherish as Americans, to see that they would forever be protected and preserved.

His love of outdoor sports led him to champion a tax on hunting and fishing equipment that could only be used for habitat and facilities. Supported by the sportsmen, that provision is still in place, and we protect its use, to be used for what it was intended.

These are just a few of the items you could find on a list of Malcolm's accomplishments in the Senate. There are many, many more that would be part of the legacy of his service. But there is one more at the top of the list which I know was closest to his heart and which I have to mention before I close.

Throughout his life, Malcolm was a strong believer in the importance of the volunteer spirit. That is why he proposed the Congressional Awards program. First of all, it did not cost anything, which he appreciated as a fiscal conservative. Secondly, it was best described as a challenge issued to young people all across the Nation to get up, get active, and get involved down the street, down the block, or across town. It helped young people to realize that no matter the problem, there was something they could do to help solve it.

Malcolm proposed the idea, and Congress soon passed it. No other award program is quite like it, and no other award like it is issued by Congress. It is not an easy award to earn. I am certain that is how Malcolm intended for

it to be. Any young American who has a dream they wish to pursue can earn one of these important awards. Whether it is a bronze, silver, or gold award, each participant sets his own goal and works with an adviser to get there, step by step. They set their own standards in four program areas: volunteer public service, personal development, physical fitness, and exploration. How well they do in each of these categories determines which award they will earn.

It may be because of Malcolm's status as the founder of the program that it always seems to me that when the gold award winners come to Washington, DC, for the presentation ceremony, there are more Wyoming winners than those from any other State. Just like Malcolm, I am very proud of the spirit of my State's young people and the way they answer this and every challenge—with enthusiasm and determination to do whatever it takes to succeed.

In the years to come, the Congressional Awards will continue to be one of the best parts of Malcolm Wallop's legacy of service to the Nation, and it will inspire and encourage countless more young people to do whatever they can to change the world around them, beginning like Malcolm did, right in their own backyard. It already has a great record of successes, and I cannot think of a better way to remember Malcolm Wallop. In fact, it is probably how he would most want to be remembered.

After Malcolm had served three terms in the State senate and given 18 more years of his life to the people of Wyoming, he took another long walk on his ranch, gave it some thought, and decided it was time for him not to retire—for someone like Malcolm never slowed down—he just felt it was time for him to change direction. So he announced he was stepping down from the Senate to give someone else a chance to continue the work that must be done to make Wyoming and our Nation a better place to live for us all.

It was not long after leaving the Senate that Malcolm founded an organization called the Frontiers of Freedom to enable him to continue his work to address the issues of personal freedom and the need to keep our government from growing too large and too powerful. I have always felt, like Will Rogers said so many years before him, that he opened his office just a short distance from Washington so he would be better able to keep an eye on us.

In the years he served at the helm of the Frontiers of Freedom, it was clear that it reflected the true north of Malcolm Wallop's inner compass. Just like he had done for so many years, the organization was completely focused on many of the issues he had worked on in the Senate, and, like him, it was a much valued and important presence in the ongoing conversation and debate about the direction in which our country was headed and whether that needed to change.

Now Malcolm is taken from us all too soon. He will be greatly missed, and he will never be forgotten. When I learned of his passing, my thoughts turned to those Wyoming Senators we have lost over the last few years: Craig Thomas, Cliff Hansen, and now Malcolm Wallop. They may be gone, but their memories will live on and serve to remind us that each and every one of us—Americans all across this country of ours—has something to offer to make a difference in the world. If we do not do what God has sent us here to do, no one else will be able to do it for us.

Diana and I join in sending our heartfelt sympathy to Malcolm's family and to everyone who knew him personally or politically or who followed his public life. He was a remarkable individual who fulfilled his life's dream by working hard, always giving the best he had to offer, and constantly looking ahead to the problems that were looming on the horizon so they could be addressed before they became too difficult to handle.

At moments such as these, I have always believed there is no greater gift we can give to someone who is grieving the loss of a loved one than to keep them in our thoughts and hold them gently in our prayers. I have found that God has a way of hearing and healing us in our darkest hours. May His presence now be a source of peace and comfort to all those who mourn Malcolm's loss. The knowledge that there are so many who will never forget him may, in time, help to soften the pain his passing leaves behind for all who knew him, loved him, and called him their friend.

To heal the empty spot in our hearts, I encourage all who knew Malcolm to write down their memories and share them. I know with full confidence this will not be the last time Malcolm Wallop's name will be heard on the Senate floor. In the years to come, we will often think of him and the example he provided at so many times. But for now, let us say goodbye to our friend. He will be missed, but he will never be forgotten.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I come to the floor today to honor one of our former colleagues and a dear friend. U.S. Senator Malcolm Wallop died yesterday, September 14, 2011, at his Wyoming home overlooking the majestic Big Horn Mountains.

Senator Wallop will be remembered as a unique and enduring figure in the history of Wyoming and in the history of the United States. Malcolm was a stalwart defender of freedom and democracy around the world and a determined advocate for limited government and opportunity for every person. Like that iconic range in northern Wyoming that he loved, Malcolm stood very tall—as a citizen, as a State and Federal legislator, and as a loyal guardian for Wyoming people and our way of life.

I want to send my deepest condolences to Malcolm's family back in Wyoming and around the country: to Isabel, his wife; to his beloved children, Malcolm, Matthew, Amy, and Paul; to his dear sisters, Jeannie and Carolyn.

I also want to offer my condolences to all of those folks who worked for Senator Wallop during his years of extraordinary public service. I have met most and have known many over the years. My wife Bobbi served on his very first staff in Washington, and last night she shared with me again what we have all come to know: Malcolm was a kind, caring, and extraordinary gentleman. Malcolm's staff served him ably and honorably.

I know there are also some in this body today who served alongside Malcolm Wallop. You no doubt remember him well. It was just 4 years ago that Senator Wallop returned here to this Chamber and attended my own swearing-in on June 25, 2007. On that day, as is tradition, Senator Wallop walked with me up to the President's desk to take the oath. He stood with me during the ceremony and offered private words of encouragement and advice. I was honored that day to have him there next to me, and it saddens me greatly to join Senator ENZI to announce his death.

Malcolm Wallop was someone I followed throughout his career. I admired him greatly. He was a man whom many of us looked up to, as he grew into one of the most influential legislators of his time.

"Hello, my friend"—that was his classic western rancher's drawl, and it was what you heard if Malcolm Wallop was on the other end of the phone line or came through the door. Malcolm was a real-life version of anyone's image of a western gentleman.

Today, I remember him as a brilliant servant-leader. He possessed a special western wisdom, which often found those around him racing just to catch up. He found great contentment in all of the many facets of his life. Even during recent years, when numerous medical challenges conquered his physical body, his spirit and his intellect were never diminished.

Public service was his heritage and his calling. His grandfather, Oliver Henry "Noll" Wallop, founded the Canyon Ranch in the Big Horn Mountains of Wyoming in 1888. That is before Wyoming even became a State. Noll had the distinction of serving first in the Wyoming State Legislature and then, later in life, in the House of Lords in Great Britain. Noll was the youngest son of Lord Isaac Newton Wallop, the fifth Earl of Portsmouth. When Noll's older brothers died, he reluctantly returned to England to fulfill the family duty. However, his own son Oliver, who was Malcolm's father, had been grown up and he remained in Wyoming.

Malcolm was born in 1933, and Big Horn was always his home. His children and his grandchildren are the fourth and fifth generations of his family to make their lives in the beautiful

Big Horn Mountain area of north central Wyoming. They ranch, they own businesses, they teach, they raise their children, they serve their community—all those things we do to make this Nation strong.

Malcolm was a pilot. He served as a first lieutenant in the U.S. Army. He was a cattle rancher elected to the Wyoming State Legislature, serving both in the house as well as in the senate from 1969 through 1976.

In 1974, Wallop ran unsuccessfully for Governor of Wyoming. But it was during that summer campaign that Malcolm began to distinguish himself as a principled and energetic future force in Republican politics. He did not shy from the tough issues; instead, he seemed to gather strength from the challenges.

Only 2 years later, he unseated incumbent U.S. Senator Gale McGee and became Wyoming's 19th Senator, serving from 1977 to 1995.

When Malcolm was elected to this body in 1976, it was really something. You heard about the commercials from Senator ENZI. Well, a group of young people had gathered around to support his very unlikely bid to serve Wyoming in the U.S. Senate. The national press called it the Children's Crusade. Many of those young people came to Washington with him, and my wife Bobbi Brown was among those, who began her own public service career as part of his first-term staff.

It is an indication of the affection and the loyalty felt by those who were part of his team that more than 60 people gathered with Malcolm in Wyoming in 2006 for a 30-year reunion.

He served three terms in the Senate, and his work here was very broad in scope. His presence was lasting, and it touched on the mercurial issues of the late 1970s and 1980s, from energy policy to the environment, from national security to tax reform.

One of our own colleagues, Senator CARL LEVIN, said of Malcolm:

While we disagreed, again, probably as often as we agreed, that did not stand in the way of my admiration for the quality, the characteristic that he had of letting you know precisely where he stood and why.

He went on to say:

And his patriotism is second to none in this body.

Malcolm Wallop was the first elected official to propose a space-based missile system, which eventually became part of our Strategic Defense Initiative. He was highly regarded for his knowledge and understanding of defense issues and surely helped bring the Berlin Wall down. Later in his Senate service, he was a member of the Helsinki Commission, and he traveled in Eastern Europe and the former Soviet Union as an arms control negotiator.

Speaking of their strategic partnership, President Reagan said: "Leadership, hard work, experience, loyalty to Wyoming—that's what Malcolm Wallop is all about." Malcolm was fiercely protective of States rights, property

rights, the rights to privacy, and he was a champion of the rights of the individual.

He was remembered for the Wallop amendment to the Surface Mining Control Act, a property rights issue which forced the Federal Government to compensate property owners whose ability to mine was undercut by regulation. He worked successfully to protect State interest in the Clean Water Act. He brought significant wilderness to Wyoming through the 1984 Wilderness Act.

He was a key force behind the passage of the far-reaching 1982 Energy Policy Act. Senator Wallop, on more than one occasion, commented that he "was not burdened with a law degree." Yet he was selected in his very first term to serve on the Judiciary Committee, the first nonlawyer ever so chosen.

Perhaps his greatest contribution was his landmark legislation to address the heartbreaking issue of parental kidnapping. He was one of a long and distinguished line of Wyoming Senators who served with distinction on the Senate Finance Committee. His 1981 bill to cut inheritance and gift taxes is remembered as one of the most substantive changes to tax policy that decade.

He appreciated opportunities which allowed for private/public sector partnerships. Early in his Senate career, there was talk of establishing a national service requirement for young people. But Malcolm felt that if we were going to require young people to serve the Nation, the Nation should recognize them for the service so many were already providing through their daily lives.

This resulted in his leadership to establish the Congressional Award. He joined with colleagues in both Houses of Congress in a bipartisan effort and a unique program available to all interested young people in the country was created.

It is a program of Congress which operates with private sector funds. It is an earned honor and is the highest honor which we bestow on our Nation's young people. The many young people in my State who participate in the Close Up program do so because Malcolm thought it was an important opportunity for his young constituents. At the time, Close Up only offered their program in the cities. Malcolm worked to convince the Close Up Foundation that a statewide program would work. I believe Close Up today counts their Wyoming program as one of its most successful.

Malcolm Wallop reached across Capitol Hill. He reached across party lines in the creation of the Aquatic Resources Trust Fund, commonly known as the Wallop-Breaux Trust Fund, which has resulted in billions of dollars generated by users for support of fisheries and wetlands around the country.

But it was not all serious. He was an enthusiastic supporter of his staff's efforts to deal with their homesickness

in July. In July of 1977, he held the first Frontier East, an east coast celebration of Cheyenne's Frontier Days, which is known simply as COWPIE. COWPIE stands for the Committee of Wyoming People in the East. It is still today one of the Washington area's most celebrated summer events.

My wife Bobbi reminds me how absolutely joyful Malcolm was each year on his birthday. His birthday was February 27. As Bobbi reminds me, that is when his staff organized the Wally Awards, making great fun of themselves and their boss. I am told the best was the impersonation of him by his chief of staff, Bill Hill. That is the same chief of staff who then went on to serve as Chief Justice of the Wyoming Supreme Court.

Malcolm remained forever steadfast against the growth and the power of centralized government. He warned: "As we remain the sheep, the government happily remains our shepherd."

He talked often as a Senator of our shrinking freedom and the battle to lay claim to our fragile liberty. That was Malcolm Wallop. When he announced his retirement in 1993, after 18 years in the Senate, Senator Wallop told the Casper Star Tribune simply: "I don't think the only place to fight for freedom is in the halls of Congress."

His life after the Senate was filled with his continuing work on issues focusing on constitutionally limited government, a strong national defense, and the rights of the individual. To address these issues, he founded the Frontiers of Freedom.

He spoke with power and eloquence about the issues which he found to be the core of our great country. In a 2003 interview with Peter Evans, he said:

You'll find in the American people an enormous sense of pride and self assurance that only comes from people living free. It's unbelievably invigorating, and very reassuring, to know the great experiment is in the hands of people who don't even know it, and isn't in the hands of the people who think they hold it.

Malcolm Wallop was so many things. But what Malcolm Wallop was not was sentimental. The new phase of his life was the full phase of his life. He did not dwell on past things. His energy was always spent looking forward.

I wish to conclude by repeating Senator Wallop's own words. Speaking in 2005 before the Ronald Reagan Gala sponsored by the Frontiers of Freedom, Senator Wallop spoke about his own beliefs.

Government was not meant to possess us, rule us, encompass us, judge for us, substitute for us. It was meant to serve us. We were founded as a noble self-governing tribe of free people respecting each other as Americans under God—not under Washington. Americans know this even if their government does not.

The biggest difference between the principle of government in America, and anywhere else is that here the rulers must stick to clearly defined tasks, while ordinary people may do whatever they wish. We must make up our minds to put this principle into practice again, lest we lose the spirit that made us the envy of the world.

Most important, the American model is based on a certain kind of people—defined not by race but by virtue and by the willingness to take responsibility for our own lives. People fit to be Americans ask for blessings only from God. Because being Americans is not a matter of birth, we must practice it every day—lest we become something else.

The size of our continent, its fabulous wealth, its indescribable beauty, the ships, tanks and airplanes in our arsenal, are no treasure compared to the moral character of the American people. I pray to God that he will graciously help us preserve and protect that splendid moral base.

To Isabel and his beloved children, Malcolm, Matthew, Amy, and Paul, to his dear sisters, Jeannie and Carolyn, we thank you for letting him share so much of his life with us all. There is no question our world is better for the time he spent addressing the great issues of the day and we are grateful.

We can cherish our memories and stories of Malcolm knowing he would cast a wry glance and wonder why we were not spending our thoughts and our energy on a challenge that needed our attention. It is what he would expect of all of us. It is the example he left for us. It is his legacy.

So, today, godspeed, Malcolm. The Senate, Wyoming, the United States of America, has lost one of its most steadfast defenders.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

DISAPPEARING MIDDLE CLASS

Mr. BENNET. Mr. President, I went back to the office and I saw my senior Senator sitting here at this late hour and I wanted to come down and keep him company. So I am glad to be here with you tonight, proud to be from the West tonight with two great Senators from Wyoming remembering Malcolm Wallop's service in this body. It was wonderful to hear their remembrances of him. I am glad we were here to share that being from the West.

Similar to the Presiding Officer, I spent most of August in our beautiful State—the most beautiful State in the United States, if I do say so myself—in townhall meetings, mostly in red parts of the State, but in red and blue parts of the State. They do not actually think of themselves that way, but that is how Washington would talk about it.

In the townhalls, I always start the same way. I say: Ask any question you have. Bring any criticism you have. I tell them I was an urban school superintendent for almost 4 years, it is impossible to hurt my feelings. It was beaten out of me a long time ago. Then we have a conversation.

This time, every single meeting started with somebody saying: What is

wrong with you guys? Why can't you work this out in Washington, DC? We are struggling in the worst economy we have had since the Great Depression, and what we see are a lot of political games being played back there.

That is the version of the conversation I have heard now for 2½ years in our State.

Then, one of the things we get into at the very beginning is the fact that this is not a garden-variety recession that we are just coming out of. This is the first time—this last decade, not just this recession, the last decade—the first time in this country's history when median family income actually declined instead of going up.

Generation after generation after generation of Americans saw their income rise. Median family income is sort of shorthand for middle-class family income in this country. It is the backbone of this country, and it has fallen for the first time in a decade, as the cost of health insurance doubled on the people who live in Colorado, and the cost of higher education went up by 60 percent.

People are saying: MICHAEL, I have been at my job for this whole decade and I am earning less at the end of the decade than I was at the beginning of the decade. My costs of not “nice to haves,” my costs of critical things to move my family ahead to create stability for me and my small business—such as health care, such as higher education—have done nothing but skyrocket.

I am going to show you some numbers that are pretty scary that came out this week from the Census Bureau that reflect, in numbers, what I am talking about and reflect how profound the structural issues are that we face in our economy, structural that do not fit on the back of a bumper sticker or a political slogan or during a debate at night on the television set.

This week's Wall Street Journal, on Monday, had an article on the front page with the headline that reads as follows: “As Middle Class Shrinks, P&G Aims High and Low.” P&G is Procter & Gamble. There is not a more iconic brand in our country's history when it comes to the middle class than Procter & Gamble.

Here are some of the things they make: Crest toothpaste; Head & Shoulders shampoo; Tide detergent; Pampers' diapers—I am glad to be out of those in my house, by the way—Bounty paper towels; Downy fabric softener; Scope mouthwash; Duracell batteries; Charmin toilet paper; Bounce fabric softener—nobody needed fabric softener before there was a middle class in this country, but they make it—Mr. Clean; Pepto Bismol; Pringles; Swiffer brooms and dusters—we have that in our closet—Old Spice deodorant; Nyquil cough syrup; Puffs tissues; Ivory soap; Covergirl makeup.

That is what Procter & Gamble makes. That is what they sold to the great middle class in this country for

decades. Here is this article that says Procter & Gamble aims high and low.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Wall Street Journal, Sept. 12, 2011]

AS MIDDLE CLASS SHRINKS P&G AIMS HIGH AND LOW

(By Ellen Byron)

For generations, Procter & Gamble Co.'s growth strategy was focused on developing household staples for the vast American middle class.

Now, P&G executives say many of its former middle-market shoppers are trading down to lower-priced goods—widening the pools of have and have-not consumers at the expense of the middle.

That's forced P&G, which estimates it has at least one product in 98% of American households, to fundamentally change the way it develops and sells its goods. For the first time in 38 years, for example, the company launched a new dish soap in the U.S. at a bargain price.

P&G's roll out of Gain dish soap says a lot about the health of the American middle class: The world's largest maker of consumer products is now betting that the squeeze on middle America will be long lasting.

“It's required us to think differently about our product portfolio and how to please the high-end and lower-end markets,” says Melanie Healey, group president of P&G's North America business. “That's frankly where a lot of the growth is happening.”

In the wake of the worst recession in 50 years, there's little doubt that the American middle class—the 40% of households with annual incomes between \$50,000 and \$140,000 a year—is in distress. Even before the recession, incomes of American middle-class families weren't keeping up with inflation, especially with the rising costs of what are considered the essential ingredients of middle-class life—college education, health care and housing. In 2009, the income of the median family, the one smack in the middle of the middle, was lower, adjusted for inflation, than in 1998, the Census Bureau says.

The slumping stock market and collapse in housing prices have also hit middle-class Americans. At the end of March, Americans had \$6.1 trillion in equity in their houses—the value of the house minus mortgages—half the 2006 level, according to the Federal Reserve. Economist Edward Wolff of New York University estimates that the net worth—household assets minus debts—of the middle fifth of American households grew by 2.4% a year between 2001 and 2007 and plunged by 26.2% in the following two years.

P&G isn't the only company adjusting its business. A wide swath of American companies is convinced that the consumer market is bifurcating into high and low ends and eroding in the middle. They have begun to alter the way they research, develop and market their products.

Food giant H.J. Heinz Co., for example, is developing more products at lower price ranges. Luxury retailer Saks Inc. is bolstering its high-end apparel and accessories because its wealthiest customers—not those drawn to entry-level items—are driving the chain's growth.

Citigroup calls the phenomenon the “Consumer Hourglass Theory” and since 2009 has urged investors to focus on companies best positioned to cater to the highest-income and lowest-income consumers. It created an index of 25 companies, including Estee Lauder Cos. and Saks at the top of the hourglass and Family Dollar Stores Inc. and Kellogg Co. at the bottom. The index posted a

56.5% return for investors from its inception on Dec. 10, 2009, through Sept. 1, 2011. Over the same period, the Dow Jones Industrial Average returned 11%.

"Companies have thought that if you're in the middle, you're safe," says Citigroup analyst Deborah Weinswig. "But that's not where the consumer is any more—the consumer hourglass is more pronounced now than ever."

Companies like Tiffany & Co., Coach Inc. and Neiman Marcus Group Inc., which cater to the wealthy, racked up outside sales last Christmas and continue to post strong sales.

Tiffany says its lower-priced silver bangles, once a favorite of middle-class shoppers craving a small token from the storied jeweler, are now its weakest sellers in the U.S. "I think that there's probably more separation of affluence in the U.S.," Tiffany Chief Operating Officer James Fernandez said in June.

Firms catering to low-income consumers, such as Dollar General Corp., also are posting gains, boosted by formerly middle-class families facing shrunken budgets. Dollar stores garnered steady sales increases in recent years, easily outpacing mainstream counterparts like Target Corp. and Wal-Mart Stores Inc., which typically are more expensive.

P&G's profits boomed with the increasing affluence of middle-class households in the post-World War II economy. As masses of housewives set up their new suburban homes, P&G marketers pledged that Tide detergent delivered cleaner clothes. Mr. Clean made floors shinier and Crest toothpaste fought off more cavities. In the decades since, new features like fragrances or ingredient and packaging enhancements kept P&G's growth robust.

Despite its aggressive expansion around the world, P&G still needs to win over a healthy percentage of the American population, because the U.S. market remains its biggest and most profitable. In the fiscal year ended June 30, the U.S. delivered about 37% of P&G's \$82.6 billion in annual sales and an estimated 60% of its \$11.8 billion in profit. P&G says that Americans per capita spend about \$96 a year on its products, compared with around \$4 in China.

During the early stages of the recession, P&G executives defended its long-time approach of making best-in-class products and charging a premium, expecting middle-class Americans to pay up.

But cash-strapped shoppers, P&G learned, aren't as willing to splurge on household staples with extra features. Drove of consumers started switching to cheaper brands, slowing P&G's sales and profit gains and denting its dominant market share positions.

In late 2008, unit sales gains of P&G's cheaper brands began outpacing its more expensive lines despite receiving far less advertising. As the recession wore on, U.S. market-share gains for P&G's cheaper Luvs diapers and Gain detergent increased faster than its premium-priced Pampers and Tide brands.

At the same time, lower-priced competitors nabbed market share from some of P&G's biggest brands. P&G's dominant fabric-softener sheets business, including its Bounce brand, fell five percentage points to 60.2% of the market as lower-priced options from Sun Products Corp. and private-label brands picked up sales from the second quarter of 2008 through May 2011, according to a Deutsche Bank analysis of data from market-research firm SymphonyIRI.

P&G's grasp of the liquid laundry detergent category, led by its iconic Tide brand, also posted a rare slip over the same period as bargain-priced options from Sun and

Church & Dwight Co. gained momentum. Even the company's huge Gillette refill razor market suffered, declining to 80.1% by May from 82.3% in the second-quarter of 2008, as Energizer Holdings Inc.'s less-expensive Schick brand gained nearly three points.

P&G began changing course in May 2009. After issuing a sharply lower-than-expected earnings forecast for the company's 2010 fiscal year, then-CEO A.G. Lafley said the company would take a "surgical" approach to cutting prices on some products and develop more lower-priced goods. "You have to see reality as it is," Mr. Lafley said.

When the company's 2009 fiscal year ended a month later, P&G's sales had posted a rare drop, falling 3% to \$76.7 billion.

In August that year, P&G's newly appointed CEO, company veteran Robert McDonald, accelerated the new approach of developing products for high- and low-income consumers.

"We're going to do this both by tiering our portfolio up in terms of value as well as tiering our portfolio down," Mr. McDonald said in September 2009.

To monitor the evolving American consumer market, P&G executives study the Gini index, a widely accepted measure of income inequality that ranges from zero, when everyone earns the same amount, to one, when all income goes to only one person. In 2009, the most recent calculation available, the Gini coefficient totaled 0.468, a 20% rise in income disparity over the past 40 years, according to the U.S. Census Bureau.

"We now have a Gini index similar to the Philippines and Mexico—you'd never have imagined that," says Phyllis Jackson, P&G's vice president of consumer market knowledge for North America. "I don't think we've typically thought about America as a country with big income gaps to this extent."

Over the past two years, P&G has accelerated its research, product-development and marketing approach to target the newly divided American market.

Globally, P&G divides consumers into three income groups. The highest-earning "ones" historically have been the primary bracket P&G chased in the U.S. as they are the least price sensitive and most swayed by claims of superior product performance. But as the "twos," or lower-income American consumers, grew in size during the recession, P&G decided to target them aggressively, too. P&G doesn't specifically target the lowest-income "threes" in the U.S., since they comprise a small percentage of the population and such consumers are typically heavily subsidized by government aid.

At the high end, it launched its most-expensive skin-care regimen, Olay Pro-X in 2009, which includes a starter kit costing around \$60. Previously, the Olay line had topped out around \$25. Last year, the company launched Gillette Fusion ProGlide razors at a price of \$10 to \$12, a premium to Gillette Fusion razors, which sell for \$8 to \$10, and Gillette Mach3, priced at \$8 to \$9.

At the lower end, its new Gain dish soap, launched last year, can sell for about half per ounce of the company's premium Dawn Hand Renewal dish soap, which hit stores in late 2008.

Developing products that squarely target the high and low is proving difficult for a company long accustomed to aiming for a giant, mainstream group.

Conquering the high end is difficult because it usually involves a smaller quantity of products.

"We do big volumes of things really well," said Bruce Brown, P&G's chief technology officer. "Things that are smaller quantities, with high appeal, we're learning how to do that."

Likewise, the cost challenges at the bottom of the pyramid are also proving dif-

ficult, Mr. Brown said. Over the past two years, P&G has increased its research of the growing ranks of low-income American households.

"This has been the most humbling aspect of our jobs," says Ms. Jackson. "The numbers of Middle America have been shrinking because people have been getting hurt so badly economically that they've been falling into lower income."

Mr. BENNET. I wanted to read a few excerpts from it because I think it is instructive about what we are doing.

P&G's profits boomed with the increasing affluence of middle-class households in the post-World War II economy. As masses of housewives set up their new suburban homes, P&G marketers pledged that Tide detergent delivered cleaner clothes. Mr. Clean made floors shinier and Crest toothpaste fought off more cavities. In the decades since, new features like fragrances or ingredient and packaging enhancements kept P&G's growth robust.

What is happening now? For generations Procter & Gamble's growth strategy was focused on developing household staples for the vast American middle class. Now, P&G executives say many of its former middle-market shoppers are trading down to lower priced goods—widening the pools of have and have-not consumers at the expense of the middle. That has forced P&G, which estimates it has at least one product—and you heard the list, so this won't be surprising in 98 percent of American households—to fundamentally change the way it develops and sells its goods.

For the first time in 38 years, for example, the company launched a new dish soap in the United States at a bargain price. P&G's rollout of Gain Dish Soap says a lot about the health of the middle class. The world's largest maker of consumer products is now betting that the squeeze on middle America will be long lasting.

If you needed any example of what our families are struggling with in Colorado every single day, here is a business plan that is modeled on a perpetually shrinking middle class by a company whose whole business model in their history was based on a rising middle class.

I will skip the next one in the interest of time. I will go right to the end. I want to show some numbers. This was the conclusion of the article:

To monitor the evolving American consumer market, P&G executives study the Gini index, a widely accepted measure of income inequality that ranges from zero, when everyone earns the same amount, to one when all income goes to only one person. In 2009, the most recent calculation available, the Gini coefficient totaled 0.468, a 20 percent rise in income disparity over the past 40 years, according to the U.S. Census Bureau. "We now have a Gini index similar to the Philippines and Mexico—you'd never have imagined that," says Phyllis Jackson, P&G's Vice President of consumer market knowledge for North America. "I don't think we've typically thought about America as a country with big income gaps to this extent."

I don't think we typically thought about America that way either. It is not who we purport to be or who we are

going to be. In order to put us on a path that will actually produce a rising middle class again, instead of a division among the very wealthy at the top and the poorest of the citizens at the bottom, we are going to have to come together on some pretty serious choices.

I know there have been some who argue that this is all a problem that is caused by too many regulations, and I am the first to say we should only have the regulations that we need. Some say the threat of any revenue—even at a time when we are collecting less revenue as a percent of our economy than we have over the last 30 years—some are saying any revenue is choking off this recovery.

Let me show you something very surprising. This is high-tech Senate stuff. Here are some lines on a chart. I know people probably cannot see the detail at home. They can get it on the Web site. This blue line, from 1992 to 2010, which is about 20 years, represents what is called the productivity index. It shows that we have become far more productive as an economy over the last 20 years. It is not surprising that we have, and we have because we have had a technological revolution that has made us more productive.

See at the very end where the recession is, look what happened to the productivity index during our recession—because with every single month that went by we were losing jobs; American business was doing what they had to do, which was figure out how to get through the recession and get to the other end; how to ring out every efficiency they could, how to make themselves as productive as they could. They did and they have. We are much more productive today than we were here.

The green line is our gross domestic product, our Nation's economy per capita, the amount of money per person that our economy is generating. Here is an amazing fact. This is where we were before the recession. This is where we are today. Our economy is the same size today as it was before we went into the recession. We are producing about the same economic output as a nation that we were producing before we went into this downturn. I was shocked when I learned this number.

But look at this. Here is our employment level. Here is our employment level today. We have 14 million people unemployed, but we are producing about the same as we were before we went into this horrible recession.

That is a structural unemployment problem. That is not a problem that will be solved by slogans, and it is not going to be a problem that is solved by companies that have become much more efficient at what they do. It is going to be solved by companies that will be started tomorrow and the day after tomorrow—small businesses, venture-backed firms, people who are inventing the technology of the 21st century, the products and services of the

21st century, not the products and services of the 20th century. That is the only way we are going to put these people back to work. We could be investing in infrastructure too; that would help.

This line is median family income, which is what I started this conversation with. This is a terrible story. It is not just a sad story, it is a terrible story. That is that line for median family income. It was over \$53,000 in 1999. It is \$49,000 today. It is almost \$4,000 less in real dollars in a decade.

I could have brought in another slide which shows that this trend has actually been going on a little longer than that. Think about that. It means half of the families in 1999 were earning less than \$53,000, and half were earning more than \$53,000. Today half are earning less than \$49,000 and half are earning more than that.

These are folks who have done absolutely everything that anybody ever asked them to do. But I don't care whether you are a family or a business, it makes it very hard for you to make ends meet if that is the slope that you are on. I argue that we cannot consume one more decade of this new century, with economic policies that are leading us here, and expect to have a vibrant middle class. I want to be in an economy where Procter & Gamble has to change their business model to catch up with a rising middle class, not be in a position that they are in today where they believe they have to bet on a falling middle class.

Mr. SCHUMER. Will my colleague yield for a question?

Mr. BENNET. Sure.

Mr. SCHUMER. I compliment him on this outstanding speech. The hour is late and many colleagues have gone home, so I hope he will send this to every one of our colleagues. It has been a joy for me to stay and listen.

The only question I wanted to ask—and we talked about this last night at dinner—here is another interesting fact amid so many that my colleague brought up in this great speech.

If we look at that chart, from 1999 to 2007, before the recession hit, median income didn't go up.

Mr. BENNET. Exactly.

Mr. SCHUMER. That is a question we have to ponder. We need great minds like the Senator's to figure out the answer. If we just blame the recession and think it will come back up, it won't. The kinds of structural changes my colleague talks about are so needed if we are not going to have a continually declining middle class, even in a period of growth. Am I right about that assumption?

Mr. BENNET. I thank the Senator from New York. He is right about that. What he will see on another slide—not tonight—is that we were already on this decline. This is not news to people living in our States. It is not news to people trying to figure out how to make ends meet week by week. This is not news to them. It is not news to the

people who came to my townhalls and said they cannot afford to send their kids to the best schools. They sent their first kid to the fancy school, but they cannot send their second kid there. They are upset that we are not getting done what we ought to be getting done.

What we see on this other chart is that this decline was happening already because the economy wasn't lifting all boats, and it was widening in equality terribly. I have things tonight that talk about that. Then the recession accelerated that decline. They lost 2.3 percent of median family income in the recession, which is more than any of the previous recessions, going back to the Great Depression. So that is how tough this is.

The Senator is right. If we keep doing what we have done for the decade that led us into this recession, if we go back to those policies and readopt those policies, and that is where we end up, we will continue to see this slide.

Mr. SCHUMER. I thank my colleague.

Mr. BENNET. I thank the Senator from New York. This gives a sense of the widening inequality that has happened. This is average income, which is different from median income. The amazing thing is, while middle-class income has been falling, and it fell throughout this 10 years, average income actually went up because a few people at the very top of the economy did incredibly well over this period of time. They have done incredibly well. This is the very top 1 percent of our earners who went from here to up here.

The top 1 percent saw that, and here is everybody else. This red line is 90 percent of the people in America. Their average income was flat from 1967 to 2006. That is 90 percent of the people who live in the United States. It is hard to see how people can get ahead under circumstances like that.

It is no wonder that we have these alarming numbers this week from the Census Bureau which show there are 46.2 million Americans now living in poverty. That is a 46-percent increase since 2000. I had to look to make sure I was reading that right. Since 2000, when 31 million people were in poverty, it has gone up to 46 million people in poverty today, and 22 percent of the children in the United States of America tonight are living in poverty. Over one-fifth of the children living in the United States tonight are living in poverty. And, by the way, as a former superintendent of the Denver public schools, I can tell you we are not doing ourselves any favors when the chances of a child living in poverty in this country graduating from college are roughly 9 in 100, which is what their chances are today. Ninety-one out of one hundred poor kids in the country can't expect to get a college degree; can't expect to be anywhere but on the margin of our democracy or our economy. I wonder what effect that will have on our median family income going forward.

This is the last slide, because I know the hour is late, and it is one that was in the Washington Post. I am not going to bother to describe the details, but you can find it on the Web site and it is worth looking at. It is worth looking at.

This red line—and it is the only thing I will talk about from this slide—shows what the bottom 90 percent—and it seems ridiculous to talk about the bottom 90 percent—what the 90 percent of earners in this country earned as a percentage of the income that everybody earned in the United States from before the 1920s to today, essentially. For the vast majority of time or some majority of time in the period from World War II—the end of World War II—until the present, the bottom 90 percent of earners earned roughly 70 percent of the income in the United States—a majority of the income, 70 percent of the income—for a long time. Now they are earning roughly 50 percent. The bottom 90 percent is earning roughly 50 percent of the income. That means, by the way, the other 10 percent are earning roughly 50 percent of the income. That is how it is distributed. It is a unique moment in the country's history, actually, uniquely unbalanced. In fact, we have to go back to 1928—the year before the market crashed, the year before Black Friday, the year before our financial markets collapsed and put us into the Great Depression—to find income disparity that looks like the income disparity we face today.

In my view, the 20th century represented a period in this country's history of limitless opportunity, limitless economic growth, limitless educational attainment. Our democracy succeeded in generating an economy that gave everybody a fighting chance. Maybe a definition of whether we are giving people a fighting chance is whether middle-class income is rising or falling. Now we are in a period where it is falling and we find ourselves in the position of producing the same domestic product we were producing before this recession with 14 million more people unemployed.

The economists tell us we have recovered, that we are in a recovery. The technical definition is that we are in a recovery because the technical definition is based on whether GDP is growing. That is a very cruel definition of recovery for the 14 million people who are unemployed. It is a very cruel definition of recovery for a middle class that is getting wiped out because median family income is falling.

Look, the people who live in Colorado, notwithstanding all of this, are optimistic. They are optimistic about their communities and they are optimistic about their families. It gets tougher and tougher, but they rise to the occasion. And you know what. That is what they are asking us to do. They are asking us to knock off the political games that seem to be only about Washington and seem to have nothing to do with the challenges they face.

Today was a good day here. I was pleased. It has been a long time. I was pleased to join my senior Senator and about 30 other Democrats and Republicans at an event to say it is time for us to think big about solving this country's fiscal challenges and that we are anxious to work together to do it. We are anxious to create a comprehensive plan to deal with it. We should be taking exactly the same approach on jobs.

Getting our fiscal house in order is incredibly important to encourage and inspire confidence in our markets and confidence in our businesses and confidence in our local economies. But our work won't stop there. We need to reinvent our Tax Code so it is driving innovation and driving a rising middle class. We need to reimagine our regulatory code so it is doing the same. We need to educate the children in this country so they can take on the jobs of the 21st century, because the jobs of the 20th century are not coming back. We will be waiting in vain for those jobs to come back.

The people in my meetings back in Colorado are demanding—that is the right way to say it, they are demanding—we work together. Our State is a third Republican, a third Independent, and a third Democrat, but they are Coloradans before any of that, and they are Americans maybe even before that, and it is time for us to meet their standard.

Tonight we had votes on the reauthorization of FEMA—our emergency agency—to respond to the incredible tragedies that have happened around the country. It got 62 votes and we were able to pass it. We had a vote on the transportation extension, the FAA reauthorization, and I think the vote was 92 to 6, with Democrats and Republicans moving this country forward. That is what we have to do in order to get this economy going again. The people in Colorado today are saying: We want more of that and less of the bickering, more problem solving and less finger pointing. My hope is that on an occasion such as today, when we actually have made some progress, no matter how limited, it may give us the chance to move forward together.

Mr. President, I appreciate the Chair's endurance and allowing me to speak on the floor tonight.

COMBATING AUTISM

Mr. MENENDEZ. Mr. President, I want to address a very important issue that is currently before the Senate. This past Tuesday I submitted a bill to the Senate—the Combating Autism Reauthorization Act, S. 1094—for a unanimous consent agreement. Since then, the Republicans have blocked this bipartisan bill from passing. The Health, Education, Labor and Pensions Committee reported this legislation unanimously on September 7, 2011.

My legislation is a simple 3-year extension of the Combating Autism Act, CAA, of 2006. This original legislation

was passed out of the Senate by unanimous consent on December 7, 2006, and signed into law shortly thereafter. This landmark legislation included provisions relating to the diagnosis and treatment of persons with autism spectrum disorders, ASD, and expanded and intensified biomedical research on autism, including a focus on possible environmental causes. Additionally, it provides for detailed surveillance by the Centers for Disease Control and Prevention, CDC, of the increasing prevalence of autism spectrum disorders, ASD. The Act also reconstitutes the Interagency Autism Coordinating Committee to advise the Secretary, coordinate the federal response to autism and develop the annual strategic plan for autism research.

I am greatly disappointed that my colleagues on the other side are playing politics with this bill. On September 30, just a couple of short weeks from now, the programs authorized under the CAA sunset, and with them the myriad programs which have helped families better understand, treat and live with ASD. Now is not the time for politics. Now is the time to reauthorize the Combating Autism Act so families living with ASD can continue receiving the care and support they deserve.

NATIONAL POW/MIA RECOGNITION DAY

Mr. LUGAR. Mr. President, September 16 is National POW/MIA Recognition Day.

Throughout history, American men and women have stood up to defend freedom by courageous and selfless service across the world. Today, 46,010 American men and women are actively engaged in uniform in Iraq with a total of 84,310 deployed to the region aboard ships at sea, on bases, and air stations in the region supporting Iraq operations. Mr. President, 98,900 military personnel are deployed in Afghanistan, with a total of 131,900 deployed to the region aboard ships at sea, on bases, and air stations in the region supporting Afghanistan operations. Others are engaged in Libya operations. All are fighting to ensure our security here at home, to protect the life and liberty of our friends and allies, and to promote American values.

Amidst the current economic crisis and countless other challenges, one thing is clear, members of Congress and the executive branch cannot become distracted from a commitment to ensure the return of POWs and MIAs at the end of hostilities. This commitment must continue through painstaking on-site investigations, diplomatic negotiations and complete examinations of records following a conflict.

As we look forward with resolve, I would like to recognize the work that the many POW/MIA organizations have done, led by the Department of Defense Prisoner of War/Missing Personnel Office, DPMO. The painstaking work of

recovery operations has, since January, seen the return of 32 Americans from World War II and the war in Southeast Asia. Nevertheless, 1,683 remain unaccounted for at this time from SEA, 1,292 from Vietnam alone. Last year, those numbers stood at 1,703 and 1,305 respectively.

This June, in an effort to recover nine American servicemembers from crash sites in Laos, 25 Joint POW/MIA Accounting Command, JPAC, recovery members deployed, marking the 119th Joint Field Activity conducted. As a member of U.S. Pacific Command, JPAC is an organization of over 400 military and civilian specialists whose mission is to return America's heroes home and achieve the fullest possible accountability of Americans lost in our Nation's past conflicts.

In Korea, where the fighting ended in 1953, progress continues. This year, Joint Recovery Operations have been conducted in North Korea resulting in the recovery of seven Americans to their families and final resting places. Two have been identified from World

War II recoveries. Teams from the U.S. Army Central Identification Laboratory in Hawaii continue to implement cutting-edge DNA technology, and as renowned experts in the field, have contributed their know-how and direct assistance to the operations in New York and the Pentagon.

JPAC announced on August 12 that teams had been recently deployed to Vietnam, Canada, Vanuatu, Germany and Papua New Guinea to search for Americans unaccounted for from the Vietnam War and World War II.

The deployment to Vietnam, the 104th joint field activity to that country, has approximately 35 team members who will search for five Americans at burial and aircraft crash sites in three provinces. They expect to spend 35 days on the mission.

Separately, JPAC team members and Navy divers from Virginia Beach, Va. have deployed to Newfoundland province in Canada to search for three Americans that remain unaccounted-for from a World War II aircraft crash.

The team will conduct underwater excavations for 30 days at the crash site.

We must also be vigilant on the topic of American POWs and North Korea, and I have encouraged the Obama administration to include this important issue in any talks with North Korea.

As we all know, this is a team effort requiring the commitment and dedication of the Congress, the administration, the Departments of Defense and State, the Joint Chiefs of Staff and the NSA. I am hopeful that all of us, through continued humanitarian support and dedicated diplomatic endeavors will gain further information about the servicemen still missing to honor their sacrifice and provide peace and solace to their loved ones. You are not forgotten.

Mr. President, I ask unanimous consent to have printed in the RECORD the names of Indiana's missing and unaccounted for from the Korea and Vietnam wars.

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

VIETNAM/SOUTHEAST ASIA

Name	Date of incident	Status	Rank	Branch	Country	Home of record
Bancroft, William W. Jr.	11/13/1970	NBR	02	USAF	N. Vietnam	Indianapolis.
Beals, Charles Elbert	07/07/1970	NBR	E4	USA	S. Vietnam	French Lick.
Beecher, Quentin Rippetoe	06/11/1967	PDF	W2	USA	S. Vietnam	Terre Haute.
Breiner, Stephen Eugene	09/24/1968	NBR	E2	USMC	S. Vietnam	Decatur.
Carver, Harry Franklin	04/10/1968	NBR	E6	USA	S. Vietnam	New Albany.
Chomel, Charles Dennis	06/11/1967	NBR	E2	USMC	S. Vietnam	Columbus.
Clark, Lawrence	10/18/1966	PDF	E5	USAF	N. Vietnam	Logansport.
Clem, Thomas Dean	05/03/1968	PDF	02	USMC	N. Vietnam	New Paris.
Davis, Gene Edmond	03/13/1966	PDF	E5	USAF	Laos	Evansville.
Ducat, Philip Allen	09/25/1966	NBR	03	USMC	S. Vietnam	Fort Wayne.
Duvall, Dean Arnold	03/13/1966	PDF	E3	USAF	Laos	Monticello.
Green, George Curtis Jr.	12/04/1970	NBR	E5	USA	Laos	Attica.
Heitman, Steven W.	03/13/1968	PDF	E5	USA	S. Vietnam	Indianapolis.
Held, John Wayne	04/17/1968	PDF	03	USAF	S. Vietnam	Indianapolis.
Hills, John Russell	02/14/1966	NBR	04	USAF	Laos	South Bend.
Johns, Paul F.	06/28/1968	PDF	04	USAF	Laos	Laconia.
Johnson, James Reed	08/21/1966	NBR	E3	USA	S. Vietnam	Indianapolis.
Jones, Grayland	11/23/1969	NBR	E3	USA	S. Vietnam	Indianapolis.
Klute, Karl Edwin	03/14/1966	NBR	03	USAF	S. Vietnam	Richmond.
Knochel, Charles Allen	09/22/1966	NBR	03	USN	N. Vietnam	Lafayette.
Kuhlman, Robert J. Jr.	01/17/1969	PDF	02	USMC	S. Vietnam	Richmond.
Lambton, Bennie Richard	06/13/1966	NBR	E7	USN	N. Vietnam	Indianapolis.
Lautzenheiser, Michael	10/26/1971	NBR	E5	USA	S. Vietnam	Muncie.
Lawson, Karl Wade	04/09/1968	NBR	E4	USA	S. Vietnam	Terre Haute.
Lyon, James Michael	02/05/1970	PDF	03	USA	S. Vietnam	Indianapolis.
Mann, Robert Lee	10/22/1965	NBR	03	USAF	S. Vietnam	Lafayette.
Martin, Jerry Dean	11/03/1970	NBR	E3	USA	S. Vietnam	Bedford.
McGarvey, James Maurice	04/17/1967	PDF	04	USMC	N. Vietnam	Valparaiso.
Midnight, Francis B.	08/23/1967	PDF	02	USAF	N. Vietnam	Gary.
Miller, George C.	03/12/1975	NBR	CIV	S. Vietnam	IN.
Mitchell, Harry E.	05/05/1968	PDF	E8	USN	S. Vietnam	Marion.
Montgomery, Ronald Wayne	10/02/1969	NBR	E5	USN	N. Vietnam	Moores Hill.
Moore, Ralph Edward	05/03/1967	NBR	E3	USA	S. Vietnam	Indianapolis.
Nellans, William L.	09/17/1967	PDF	03	USAF	N. Vietnam	Warsaw.
Newburn, Larry Stephen	08/29/1967	NBR	E3	USA	S. Vietnam	Kokomo.
Parker, Thomas Aquinas	04/05/1967	NBR	E6	USN	S. Vietnam	Oxford.
Posey, George Ray	09/05/1968	NBR	E3	USN	S. Vietnam	Anderson.
Rogers, Billy Lee	12/01/1969	NBR	E3	USN	N. Vietnam	Gary.
Rogers, Charles Edward	05/04/1967	NBR	04	USAF	Laos	Gary.
Schoonover, Charles David	01/16/1966	NBR	04	USN	S. Vietnam	Indianapolis.
Smith, Ronald Eugene	11/28/1970	NBR	E7	USA	Laos	Covington.
Soucy, Ronald Philip Sr.	05/23/1967	NBR	E5	USN	N. Vietnam	Whiting.
Staelhi, Bruce Wayne	04/30/1968	PDF	E3	USMC	S. Vietnam	Crown Point.
Stonebraker, Kenneth Armol	10/28/1968	PDF	03	USAF	N. Vietnam	Hobart.
Stuart, John F.	12/20/1972	PDF	04	USAF	N. Vietnam	Indianapolis.
Stuckey, John Steiner Jr.	11/11/1967	NBR	E2	USA	S. Vietnam	Cloverdale.
Trampski, Donald Joseph	09/16/1969	PDF	E2	USA	S. Vietnam	Chesteron.
Wagner, Raymond Anthony	03/27/1972	NBR	E3	USAF	Evansville.
Whittle, Junior Lee	09/24/1966	NBR	E4	USA	S. Vietnam	Indianapolis.
Wright, Thomas T.	02/27/1968	PDF	03	USAF	Laos	Gary.
Young, Jeffrey Jerome	04/04/1970	NBR	E3	USA	S. Vietnam	Indianapolis.

Korea

Name	Date of incident	Status	Rank	Branch	Country	Home of record
Acton, Floyd Neal	05/17/1951	MIA	E4	USA	Korea	Jackson.
Adams, James Dwight	11/29/1950	KIA	E4	USA	Korea	Tippecanoe.
Akers, Herbert D.	12/01/1950	POW	E4	USA	Korea	Vigo.
Anspaugh, George	05/17/1951	MIA	E7	USA	Korea	DeKalb.
Archer, Robert Gene	12/02/1950	POW	E4	USA	Korea	Clay.
Baker, David	11/28/1950	MIA	E3	USA	Korea	Lake.
Baker, Donald Lewis	09/06/1950	POW	E5	USA	Korea	Howard.
Barker, Donald Lee	11/26/1950	KIA	E4	USA	Korea	Cass.
Bauer, Lester William	07/27/1950	MIA	E4	USA	Korea	Clinton.

Korea—Continued

Name	Date of incident	Status	Rank	Branch	Country	Home of record
Beard, Robert Allen	11/26/1950	MIA	02	USA	Korea	Vermillion.
Beed, Milton Marion	02/12/1951	POW	E7	USA	Korea	Marion.
Bender, Victor Vernon	12/27/1950	MIA	E7	USA	Korea	Marion.
Berry, A D	12/02/1950	POW	E8	USA	Korea	Vandervurgh.
Binge, Charles F.	07/15/1953	MIA	E4	USA	Korea	Newton.
Blasdel, William Stanley	11/28/1950	MIA	E4	USMC	Korea	New Albany.
Bowerman, William J.	12/02/1950	MIA	E4	USA	Korea	DeKalb.
Bowman, Allen Milford	11/28/1950	KIA	E4	USMC	Korea	Covington.
Bradley, Eldon R.	11/02/1950	POW	E4	USA	Korea	St. Joseph.
Brock, Kenneth Wilber	12/01/1950	KIA	E3	USMC	Korea	Indianapolis.
Brown, Kenneth	08/14/1952	KIA	E3	USA	Korea	Marion.
Brown, Thomas James	05/18/1951	MIA	E4	USA	Korea	Elkhart.
Burch, Hugh Maynard	04/12/1951	MIA	E6	USA	Korea	New Carlisle.
Burns, Forrest S.	08/30/1952	KIA	02	USA	Korea	Bartholomew.
Byard, Billie Jack	11/28/1950	KIA	E3	USA	Korea	Marion.
Caddell, Donald	01/12/1952	KIA	E1	USN	Korea	Greene.
Calhoun, Stanley Louis Jr.	10/01/1950	MIA	EMFN	USA	Korea	Dunkirk.
Chadwell, George R.	12/12/1950	MIA	E3	USA	Korea	Tippecanoe.
Chappell, Richard A.	11/02/1950	MIA	E4	USA	Korea	Allen.
Clark, Harold Robert	02/13/1951	POW	E3	USA	Korea	Marion.
Clifford, Clyde R.	07/26/1950	MIA	E4	USA	Korea	Elkhart.
Coleman, James Allen	04/25/1951	KIA	E7	USA	Korea	Vermillion.
Conde, Louis Bernard	01/29/1952	MIA	E5	USA	Korea	Lake.
Conrad, Jack Dwayne	07/31/1950	KIA	E2	USA	Korea	Delaware.
Conrad, Richard Leon	07/31/1950	KIA	E3	USA	Korea	Delaware.
Constant, James L.	09/08/1950	MIA	E3	USA	Korea	Marion.
Cosby, Folton	08/15/1950	NBD	E7	USA	Korea	Edinburg.
Cowger, John Harold	11/28/1950	KIA	E4	USMC	Korea	Terre Haute.
Cox, Clarence Vernon Jr.	11/01/1950	MIA	E7	USA	Korea	Madison.
Cozad, Kenneth Lee	07/30/1950	MIA	E5	USA	Korea	Jennings.
Cranor, George Eldon	11/28/1950	MIA	E3	USA	Korea	Lake.
Criswell, Reed A.	02/13/1951	POW	E4	USA	Korea	Washington.
Cunningham, William R.	12/02/1950	MIA	E4	USA	Korea	Vigo.
Dally, Kenneth Horton	12/01/1950	POW	E8	USA	Korea	Steuben.
Dalton, Howard Dale	04/27/1951	POW	E4	USA	Korea	Tippecanoe.
Davis, Ezekiel Alfonso	02/11/1951	MIA	E1	USA	Korea	Grant.
Davis, Jack A.	02/12/1951	MIA	E3	USA	Korea	St. Joseph.
Davis, Norman Glen	09/12/1951	MIA	E6	USAF	Korea	Hymers.
Debaun, George Jr.	07/25/1953	MIA	E4	USMC	Korea	Shelbyville.
Decker, Hobart	12/20/1950	NBD	E3	USA	Korea	IN.
Decker, Raymond Alfred	07/19/1951	MIA	02	USAF	Korea	Hobart.
Delong, Clayton C.	12/12/1950	MIA	E4	USA	Korea	Allen.
Dennis, Gene Alton	09/28/1952	MIA	02	USAF	Korea	Marion.
Dewitt, Stanley L.	12/06/1950	MIA	E5	USA	Korea	Cass.
Dick, William L. Jr.	08/15/1950	MIA	E3	USA	Korea	Jennings.
Doody, James Thomas	07/17/1952	KIA	E4	USA	Korea	Marion.
Drew, Donald Dale	07/20/1950	MIA	E4	USA	Korea	Washington.
Dunn, James R.	11/02/1950	MIA	E7	USA	Korea	Knox.
Durakovich, Joseph	11/28/1950	MIA	E8	USA	Korea	Lake.
Eads, Donald Wayne	03/26/1953	MIA	E3	USMC	Korea	Bloomington.
Eaton, John Omer	07/20/1950	POW	E4	USA	Korea	Crawford.
Eggers, Herbert Phillip	07/16/1950	MIA	E3	USA	Korea	Marion.
Emrick, Howard W.	07/20/1950	MIA	E3	USA	Korea	Allen.
Enright, William Chester	12/02/1950	KIA	E5	USMC	Korea	Hammond.
Estes, Robert Vernon	11/30/1950	POW	E4	USA	Korea	White.
Faith, Don Carlos Jr.	12/02/1950	KIA	05	USA	Korea	Daviess.
Finch, Robert Clarence	09/07/1951	MIA	02	USAF	Korea	Lafayette.
Fluhr, Peter Paul Jr.	09/03/1950	MIA	E4	USA	Korea	Scott.
Frakes, Edward Leo	10/03/1951	MIA	02	USMC	Korea	Branchville.
Frankart, Ned Charles	11/03/1951	KIA	02	USAF	Korea	Fort Wayne.
Frans, Jack Marvin	02/12/1951	MIA	E4	USA	Korea	Daviess.
Frantz, George Arthur	07/11/1950	POW	E3	USA	Korea	Marion.
Garrigus, Charles	12/01/1950	KIA	E5	USA	Korea	Gibson.
Gibson, Clifton E.	10/15/1952	MIA	E3	USA	Korea	St. Joseph.
Gibson, Willard M.	12/01/1950	POW	E5	USA	Korea	Sullivan.
Goe, Clyde	11/30/1950	MIA	E8	USA	Korea	Brown.
Goodall, Robert	02/12/1951	POW	E3	USA	Korea	Delaware.
Greene, Joseph P.	02/14/1951	KIA	E3	USA	Korea	Vanderburgh.
Griffith, Jack Walter	07/04/1952	MIA	01	USN	Korea	Evansville.
Gude, Edward Allen	11/19/1950	MIA	E4	USA	Korea	Perry.
Guyann, John Edwin	11/04/1950	POW	E4	USA	Korea	Huntington.
Hamilton, Donald Sewell	12/02/1950	MIA	E5	USA	Korea	Greene.
Hamm, Donald Lane	11/28/1950	MIA	E5	USA	Korea	Daviess.
Hammon, Keith Edward	11/08/1952	MIA	E6	USAF	Korea	Rockville.
Harmon, Gilbert Larry	07/26/1953	MIA	E3	USMC	Korea	Terre Haute.
Harris, Elmer Jr.	11/28/1950	MIA	E4	USA	Korea	Monroe.
Harris, Max Eugene	12/12/1950	POW	E7	USA	Korea	White.
Harrison, Bannie Jr.	12/01/1950	POW	E4	USA	Korea	Allen.
Hatch, Gene N.	12/01/1950	POW	E5	USA	Korea	Allen.
Hay, Kenneth Verne	03/19/1951	POW	E4	USA	Korea	Wayne.
Henkenius, Leo Joseph	11/28/1950	MIA	E3	USMC	Korea	Fort Wayne.
Hill, James Fella	12/01/1950	POW	05	USA	Korea	Spencer.
Hinds, Robert Lee	12/07/1950	KIA	E3	USMC	Korea	Indianapolis.
Hodge, William M.	07/26/1950	MIA	E1	USA	Korea	Lake.
Holle, Joseph Francis	07/08/1953	MIA	E4	USA	Korea	Marion.
Holman, Charles Rutherford	08/01/1952	KIA	02	USN	Korea	Indianapolis.
Hubartt, Ralph Ernest Jr.	11/27/1950	MIA	E4	USA	Korea	Huntington.
Hukill, Paul F.	11/30/1950	POW	E3	USA	Korea	Lake.
Inman, Richard George	07/07/1953	MIA	01	USA	Korea	Knox.
Jaynes, Edward R.	12/01/1950	MIA	E3	USA	Korea	Gibson.
Jester, William F.	07/12/1950	POW	02	USA	Korea	Marion.
Jester, William R.	07/11/1950	POW	E4	USA	Korea	Switzerland.
Jinks, Leonard W. E.	07/16/1950	MIA	E4	USA	Korea	Ripley.
Jochim, Cornelius A.	11/28/1950	MIA	E7	USA	Korea	Vanderburgh.
Johnson, William H.	12/03/1950	MIA	E3	USA	Korea	Clark.
Killar, Paul Martin	07/09/1953	MIA	E3	USA	Korea	Lake.
Lander, Lawrence Edward	12/01/1950	POW	E5	USA	Korea	Vanderburgh.
Leffler, Everett W.	11/30/1950	MIA	E4	USA	Korea	Knox.
Liddle, Harry H. Jr.	06/11/1952	KIA	E3	USA	Korea	Dearborn.
Loveless, Larry	08/11/1950	KIA	E3	USA	Korea	Harrison.
Lykins, Earl Paul	07/20/1950	POW	E4	USA	Korea	Randolph.
Mace, Delbert Ulysses	12/12/1951	KIA	E7	USA	Korea	Porter.
Magnus, Donald F.	07/12/1950	POW	E4	USA	Korea	Vanderburgh.
Manion, Everett D.	07/22/1950	MIA	E4	USA	Korea	Montgomery.
Mariatt, Donald Lee	11/28/1950	MIA	E4	USA	Korea	Jasper.
Martin, Albert F.	10/29/1952	MIA	E4	USA	Korea	Jay.
Martin, Herbert O.	09/05/1950	KIA	E3	USA	Korea	Gibson.
Mastabayyo, Steve A.	08/14/1952	MIA	E3	USA	Korea	Lake.
McClain, Earl E.	09/04/1950	MIA	E5	USA	Korea	Marion.
McDaniel, Charles H.	11/02/1950	MIA	E8	USA	Korea	Jennings.
McDoniel, Raymond John	11/28/1950	KIA	03	USA	Korea	Monroe.

Korea—Continued

Name	Date of incident	Status	Rank	Branch	Country	Home of record
McFarren, Edward Q.	11/28/1950	MIA	E3	USA	Korea	Kosciusko.
McIntyre, James T.	07/11/1950	POW	E4	USA	Korea	Floyd.
McKeenan, Herbert V.	11/02/1950	KIA	E3	USA	Korea	La Porte.
McNally, Joseph Lawrence	11/02/1950	MIA	E8	USA	Korea	Hancock.
Meshulam, Morris	12/01/1950	POW	E4	USA	Korea	Marion.
Metzcar, Maurice R.	04/25/1951	POW	E3	USA	Korea	Delaware.
Michaels, Melvin J.	09/07/1951	KIA	E3	USA	Korea	Porter.
Middleton, Harry Richard	04/30/1951	KIA	E3	USAF	Korea	Nappanee.
Minnear, Robert G.	11/30/1950	POW	E4	USA	Korea	Tippecanoe.
Mishler, James E.	11/30/1950	POW	E3	USA	Korea	Clay.
Mitchell, Donald K.	11/30/1950	KIA	E4	USA	Korea	Lake.
Moore, John D. Jr.	11/27/1950	POW	E5	USA	Korea	Lake.
Morris, Clarence Taylor	12/27/1952	MIA	E3	USMC	Korea	Gary.
Morris, David Wesley	02/12/1951	POW	E4	USA	Korea	Madison.
Morris, Russell F.	02/13/1951	MIA	E5	USA	Korea	Delaware.
Mullett, Richard Everett	06/15/1952	MIA	E8	USMC	Korea	Butler.
Murdock, Jackie Lee	07/06/1950	POW	E3	USA	Korea	Montgomery.
Myers, Donald William	12/02/1950	MIA	E3	USMC	Korea	Fort Wayne.
Neiswinger, Thomas W.	09/06/1950	MIA	E4	USA	Korea	Clay.
Nicholson, Richard L.	09/06/1950	MIA	E4	USA	Korea	Henry.
Northcutt, Charles Jr.	07/20/1950	MIA	E4	USA	Korea	Montgomery.
Olcott, Richard Lee	10/06/1951	KIA	E2	USAF	Korea	Fort Wayne.
Pearson, Raymond Edward	07/14/1950	POW	E2	USA	Korea	Montgomery.
Pickens, Russell B.	07/20/1950	MIA	E4	USA	Korea	Allen.
Pleiss, Lewis Peifer	09/23/1951	MIA	E2	USAF	Korea	New Albany.
Plump, James	11/27/1950	KIA	E8	USA	Korea	St. Joseph.
Pothast, Bobby Lee	06/13/1952	KIA	E3	USMC	Korea	Indianapolis.
Reynolds, Bernard Clayton	05/18/1951	MIA	E4	USA	Korea	Randolph.
Rice, Donald Ray	05/18/1951	POW	E5	USA	Korea	Porter.
Rider, Alexander David	12/06/1950	KIA	E6	USMC	Korea	Gary.
Riley, Charles D.	11/28/1950	POW	E4	USA	Korea	Delaware.
Rodman, Marvin L.	10/20/1952	MIA	E7	USA	Korea	Washington.
Ross, Edward F.	04/25/1951	MIA	E5	USA	Korea	DeKalb.
Ross, Robert Lewis	06/10/1952	MIA	E6	USAF	Korea	Rockville.
Ruby, Gene Robert	11/30/1950	KIA	E3	USMC	Korea	Roanoke.
Rush, John Earl	12/02/1950	MIA	E4	USMC	Korea	South Bend.
Scott, Marle D.	11/29/1950	KIA	E3	USA	Korea	Fountain.
Scott, Richard Dale	10/01/1950	MIA	E3	USN	Korea	Peru.
Sechman, Donald R.	07/20/1950	MIA	E6	USA	Korea	Montgomery.
Selman, Clifford Gene	05/17/1953	MIA	E2	USAF	Korea	Lafayette.
Serwise, Luther Dean	02/12/1951	MIA	E7	USA	Korea	Lake.
Shepler, Gerald Ivin	11/29/1950	KIA	E4	USA	Korea	Union.
Simmons, Wallace Jr.	12/06/1950	MIA	E8	USA	Korea	Marion.
Smith, Charles E.	07/27/1950	MIA	E3	USA	Korea	St. Joseph.
Smith, Leland Ford	11/28/1950	POW	E4	USA	Korea	Steuben.
Soderstrom, Marvin W.	09/09/1951	MIA	E3	USA	Korea	Porter.
Spangler, Donald E.	11/02/1950	MIA	E3	USA	Korea	Delaware.
Stebbens, Alvin Lowell	12/02/1950	MIA	E4	USA	Korea	Grant.
Strawser, Paul P.	07/06/1950	POW	E4	USA	Korea	Steuben.
Sturdivant, Charles	02/12/1951	POW	E3	USA	Korea	Huntington.
Sturgeon, Gene Alfred	11/28/1950	KIA	E4	USMC	Korea	Connorsville.
Surber, Harold Paul	05/18/1951	POW	E4	USA	Korea	Marion.
Tabaczynski, Edwin Felix	08/20/1951	KIA	E1	USAF	Korea	Mishawaka.
Talley, James Willis	11/26/1950	KIA	E3	USA	Korea	Lake.
Thurman, John Edward	10/16/1952	NBD	E3	USAF	Korea	Greensboro.
Titus, Robert Eli	07/16/1950	POW	E3	USA	Korea	Grant.
Toops, William Wilbur	06/16/1952	KIA	E2	USAF	Korea	Anderson.
Turner, Robert William	10/12/1950	KIA	E7	USN	Korea	Logansport.
Wagner, Gene Lewis	07/16/1950	POW	E4	USA	Korea	White.
Wasiak, Richard L.	12/02/1950	MIA	E4	USA	Korea	Lake.
White, Robert Lee	11/30/1950	POW	E4	USA	Korea	Henry.
White, Robert Louis	11/30/1950	MIA	E5	USA	Korea	Decatur.
Wilder, Robert Dewitt	10/06/1952	KIA	E4	USMC	Korea	Evansville.
Williams, Grover Lois	11/28/1950	MIA	E4	USMC	Korea	Walkerton.
Wilson, Merble Eugene	02/15/1951	POW	E3	USA	Korea	Tippecanoe.
Woliung, John George	11/05/1952	MIA	E3	USAF	Korea	Greencastle.
Zekucia, Bernard M.	08/27/1951	KIA	E4	USA	Korea	Lake.

NBD = Non-battle Death

NBR = No body recovered

PFD = Presumptive Finding of Death

RECOGNIZING WOMEN IN SCIENCE

Ms. LANDRIEU. Mr. President, I rise today to honor an extraordinary group of women for their passion and commitment to scientific research. These women have pursued careers in the science, technology, engineering and mathematics, or STEM, fields knowing that their hard work and dedication might one day have profound effects in the worlds of science and medicine.

In partnership with the American Association for the Advancement of Science, the L'Oréal USA for Women in Science Fellowship program was established in 2003. Today, five remarkable women are being accepted into this fellowship where they will join the 35 postdoctoral women scientists from across the United States who came before them.

I would like to recognize each of these five women: Dr. Trisha Andrew, for research in organic electronics with the possibility of improving the per-

formance of polymer-based solar cells; Dr. Karlin Bark, for work in haptic feedback that aims to help retrain the motor pathways of stroke survivors; Dr. Sasha Devore, a neuroscientist studying sensory processing which could lead to understanding numerous neurological diseases and disorders; Dr. Regan Blythe Towal, a biomedical engineer working to understand information processing of the nervous system thus leading to improved robotic technologies; and, Dr. Tijana Ivanovic, a virologist working on how viruses, such as influenza, enter into cells. These women are truly an inspiration to us all.

Please join me in honoring these five extraordinary women and the L'Oréal USA for Women in Science Fellowship Program for striving to raise awareness of women's contributions in the field of scientific research and serving as strong female role models for generations to come.

TRIBUTE TO WOLFGANG MATTES

Mr. LEVIN. Mr. President, today, I honor a son of Michigan, Mr. Wolfgang “Wolf” Mattes, a loving husband, dedicated father, caring friend, and stalwart patriot. Mr. Mattes will celebrate his 80th birthday on Sunday, September 18.

Mr. Mattes is a dedicated public servant who has selflessly served his country, State and community in various capacities for nearly six decades. Known as an honest, warm, and generous man, Mr. Mattes chose a career as a public servant and worked for the city of Detroit for many years, where he retired as the supervising naturalist at the Belle Isle Nature Center. Wolf is a wildlife conservationist at heart and spent countless hours rehabilitating wild animals and protecting their habitat. Additionally, when his country called, he did not hesitate to respond and proudly served in the U.S. Army during the Korean war.

An avid sports fan and athlete, Wolf worked as an usher at Tiger and Olympia Stadiums. At Olympia Stadium, he was the guard for the Red Wing's locker room and bench and was known as "Wolfie on the bench" by the players. After Olympia Stadium closed, the Detroit Red Wings brought him with them to Joe Louis Arena, where he worked in the press box.

Mr. Mattes understands the value and importance of community service, and his many efforts have been fittingly honored through his selection as a volunteer and firefighter of the year, Kiwanis volunteer of the year, and Elk volunteer of the year.

On Sunday, we will all look back and see the hallmarks of a life well lived. He is beloved not for a litany of accomplishments, but simply for who he is. Beneath a humble exterior lies a generous and kind soul. His quiet determination, unflinching kindness, and unyielding spirit have made him a pillar not only of a proud and loving family, but of all who have come to know him.

He remains the dedicated husband to his lovely bride Barb, whom he met at Michigan State on a blind date over 52 years ago, and he has been a wonderful father to his adoring daughters Erika Lynn Mattes Rebbe, Heidi Leigh Mattes Mason, Brigitte Beth Mattes Cooper, and Inger Ann Mattes Griffin.

Today, we offer heartfelt congratulations to Wolf as he celebrates his 80th birthday. This is truly a joyous occasion. His unending love of family, friends, and country, as well as his devotion to those who have had the privilege of knowing him serve as inspiration to all.

Happy birthday, Wolf. May you enjoy happiness, good fortune, and good health for many years to come.

REMEMBERING ADMIRAL ERNEST JOSEPH KING

Mr. BROWN of Ohio. Mr. President, I rise to speak today as citizens of Lorain County, OH soon gather to honor one of their favorite sons, ADM Ernest Joseph King, an American hero, who served as commander in chief of the U.S. Fleet, and Chief of Naval Operations during World War II.

This Sunday, September 18, 2011, Admiral King's memory will be honored with a Lorain elementary school named in his honor. An open green space, in the shape of an anchor, will be dedicated directly across the street from the admiral's birthplace, a home at 113 Hamilton Avenue that still stands today. Both the elementary school and the green space will remind future generations of the admiral's contributions to our country and the personal traits that made him an American hero: tenacity, love of country, fearlessness.

Ernest Joseph King was born in Lorain on November 23, 1878, to Elizabeth and James Clydesdale King. He was the older brother to two sisters and two

brothers. Admiral King attended Lorain High School and graduated fourth in his class from the U.S. Naval Academy in 1901. Still enrolled at the Naval Academy, he served in the Spanish American War. In 1905, he married Martha Lankin Edgerton in Baltimore, with whom he raised six daughters and a son. King was known to return to Lorain throughout his life to visit his childhood friends.

After his distinguished service in World War I, in 1927, he became a naval aviator, and only 6 years later, he was made chief of the Bureau of Aeronautics of the U.S. Navy, where he made patrol bombers an essential naval arm. He was appointed by President Franklin D. Roosevelt in World War II as chief of the U.S. Fleet and Chief of Naval Operations, taking the post only 2 weeks after the attack on Pearl Harbor. He earned his nickname, Eagle Eye Ernie, by possessing boundless energy, and being a strict disciplinarian.

He retired from the Navy as a decorated officer, having been awarded 10 medals and 14 Foreign Awards, including the Navy Distinguished Service Medal and the National Defense Service Medal. Upon Admiral King's passing, on June 25, 1956, President Eisenhower remarked: "Admiral King carried his heavy responsibility with courage, brilliance and continued devotion to duty."

This weekend, the city of Lorain, the Black River Historical Society, Charleston Village Society, Lorain City Schools, along with several members of Admiral King's family will join together to honor the legacy of an American hero. For school children who will attend Admiral King Elementary School, and for all Lorain residents who will pass by his home on Hamilton Avenue, let us remember the lessons of Admiral Ernest Joseph King, that patriotism and service forever anchors the greatness of our Nation.

ADDITIONAL STATEMENTS

TRIBUTE TO SHELLY FAGENSTROM

• Mr. BAUCUS. Mr. President, today I recognize Shelly Fagenstrom, an outstanding educator from my home State of Montana. Shelly is the principal of East Middle School in Great Falls and has been recognized by the Montana Association of Secondary School Principals as the Montana Principal of the Year for 2011.

Shelly has taught and served as an administrator in the Great Falls school system for 38 years; all but 2 of those have been at the middle school level. She has been the principal at East Middle School since 2005 and prior to that served for 6 years as the principal at Paris Gibson Middle School. This isn't the first time Shelly has been honored for her dedication to her students—in 2010 she was named Educator of the Year by the Montana Parent Teacher Association.

In nominating her for these awards, teachers, staff, students, and parents have praised Shelly's work to build a respectful environment at East Middle School while creating a personalized learning environment for each student, her ability to collaborate and seek innovative solutions to complex problems. Shelly has also worked to integrate more technology into the curriculum to help prepare students for the challenges of the 21st century economy. Shelly says she loves being in education, "because of the relationships you build with kids and their families. I love the energy of middle-schoolers, you can't take yourself too seriously with them."

Shelly is also involved in the Great Falls community volunteering for the United Way and serving in leadership positions at Central Christian Church. This month Shelly will be visiting Washington, DC, with other award-winning principals when they will be recognized for their hard work and achievement in educating and preparing our children for the future, and have the opportunity to share ideas on how to strengthen our education system.

I congratulate Shelly on being named the 2011 Montana Principal of the Year and thank her for her decades of service to the Great Falls school system. Montana has some of the best teachers, principals, and school administrators in the country. I would like to commend all of them for their hard work and dedication in providing young Montanans with a world class education that prepares them for a bright future.●

TRIBUTE TO MR. AND MRS. VIRGIL POE

• Mrs. HUTCHISON. Mr. President, today I wish to honor the 65th wedding anniversary of Mr. and Mrs. Virgil Poe, the parents of my good friend serving the 2nd District of Texas, Congressman TED POE.

In the summer of 1945, following his service in Germany in the Second World War, TSgt Virgil Poe was stationed at the US Army Post in Fort Hood, TX, re-equipping and preparing for a possible land invasion of Japan. At the same time, Miss Dorrace Hill was serving the local Army hospital as a volunteer for the Red Cross. On a Wednesday night during that summer of 1945, Virgil met Dorrace at a prayer meeting church service. The next year, the couple was married on October 16, 1946.

Virgil and Dorrace began their wedded life operating a DX service station where Virgil pumped gas, sold tires, and fixed cars. Soon thereafter, they moved to Abilene, TX, where Virgil enrolled at Abilene Christian University. While there, he supported his family and paid his tuition by working nights for Southwestern Bell and KRBC Radio.

After college, the Poes moved to Houston, where Virgil and Dorrace

raised TED and Jayne. Virgil worked for more than 40 years as an engineer at the Southwestern Bell Telephone Company, and the Poes were active members of the Memorial Church of Christ.

Virgil and Dorrace's marriage is rooted in faith and love. The Poes are celebrating 65 years of marriage surrounded by their beloved family, including their son TED and his wife Carol and their daughter Jayne, their 8 grandchildren, and 13 great-grandchildren. Mr. President, I am proud to honor the 65th wedding anniversary of Virgil and Dorrace Poe, and join with their family and friends in recognizing them on this special occasion.●

REMEMBERING HENRY TAUB

● Mr. LAUTENBERG. Mr. President, I speak today in commemoration of the life of Henry Taub, founder of ADP in 1949 at 21 years of age. He was 19 years old when he received his degree in accounting from NYU.

The company then called Automatic Payrolls was started with a loan of \$5,000.

Henry Taub and I became acquainted in 1952 when we both worked in a building in Paterson, NJ where Henry's payroll service company was based. Our occasional contact served to familiarize me with a vital service to businesses large and small.

It was in 1952 that I joined this fledgling organization to become its first salesman and early on a senior member of management. Henry, his brother Joseph Taub, and I worked well together, and the business began the growth that would lead ultimately to a status few companies achieve.

Today ADP employs over 45,000 people in 23 countries and holds the record for at least 10 percent growth in profits each year for 42 years in a row. It is a record unmatched by any other publicly held company. It is now also only one of four companies in our country to qualify as a AAA rated company.

Thirty years at ADP in various assignments as head of marketing, president, chairman, and CEO of ADP brought me to think my experience might be of value for service in the public interest. In that connection I decided to try to win a seat in the U.S. Senate. Good fortune came my way, and in 1982 I won a first term as a Senator.

My business experience and background credentials were principal issues in a tough campaign. I learned a great deal over the three decades at ADP, but a major factor in that success was my good luck to have worked side by side with Henry Taub.

Henry was an unusually talented individual. He had superb instincts buoyed by extraordinary intelligence. His modesty was widely known, and a subtle demeanor was included. He was a strategic thinker and responded calmly and directly with problem solving.

Additionally, he had an outstanding ability to bring people to his views, earning enormous respect and allegiance. He was highly moral and honest and encouraged trust in all who knew him. He was without trappings, and with Henry Taub his word was his bond. He shared affection and deep love with family and friends and could always be counted upon for straight answers when questions arose.

Henry Taub was my junior by a few years, but through more than 50 years of friendship, his high personal standards set a target for decency and quality in life. He will long be remembered as an example for others to follow and I remain extremely grateful for his contributions to my life.

I ask to have printed in the RECORD, a copy of the obituary that appeared in the New York Times at the time of his passing.

The information follows.

[From the New York Times, Apr. 4, 2011]

HENRY TAUB, A FOUNDER OF A PAYROLL FIRM THAT BECAME A GLOBAL GIANT, DIES AT 83

(By Duff Wilson)

Henry Taub, a founder of the payroll company that grew into the global giant Automatic Data Processing, died on Thursday in Manhattan. He was 83 and lived in Tenafly, N.J.

The cause was complications of leukemia, his son Steven said.

For many years Mr. Taub was also a co-owner of the New Jersey Nets.

Starting in 1949 in an office above a Paterson, N.J., ice cream parlor and then in a hotel basement, Mr. Taub and his brother, Joseph, built the company on a reputation for precision and timeliness. They were joined in the early years by an aspiring salesman who had been their childhood friend—Frank R. Lautenberg, now a Democratic senator from New Jersey.

"The idea was not a brilliant idea, it was a good idea, but what we did in terms of hard work made it," Senator Lautenberg said in an interview on Sunday. "Lots of seven-day workweeks, lots of 12-hour days."

Today, A.D.P., based in Roseland, N.J., has annual sales of more than \$9 billion and about 550,000 clients and is one of the world's largest providers of business services. Back then, however, it was a shoestring operation: the Taubs often delivered payrolls by bus and cleaned their own offices at night.

"Each of us had a function," Senator Lautenberg said. "Henry was the strategic one in the firm and designed the system, and Joe managed the operation, and I was the marketer, the salesman."

The company, initially called Automatic Payrolls, changed its name to Automatic Data Processing in 1958 and went public in 1961. The timing was perfect because I.B.M. had recently begun marketing an attractively priced business computer system that increased A.D.P.'s capabilities.

Mr. Taub was president of the company from 1949 to 1970, chairman and chief executive from 1970 to 1977 and chairman from 1977 to 1985. He was an honorary board chairman since then. Senator Lautenberg left the company in 1983 after winning election to the United States Senate. He is now the longest-serving senator in New Jersey history.

Mr. Taub and his brother were among seven local businessmen who were co-owners of the struggling Nets franchise in the National Basketball Association for almost 20 years. The Nets suffered injuries, coaching changes, many losses and bickering among

the owners, who were known as the Secaucus Seven. When the owners tried to turn things around in 1996, they selected the well-liked Mr. Taub as chairman. Two years later, they sold the team to another group of New Jersey businessmen.

Henry Taub was born in Paterson on Sept. 20, 1927, the son of a junk dealer, and was raised in a working-class neighborhood there. "The streets were just filled with people and kids and debate and excitement and, from my point of view, intellectual fervor," he said in a 1996 interview with The New York Times.

After skipping two grades in public school, Mr. Taub graduated from New York University with a degree in accounting in three years at 19 and joined an accounting practice. When a client, a clothing business, did not issue paychecks one week because of an illness, causing an employee walkout, Mr. Taub had the idea for a new business: payroll processing.

Mr. Taub retired from A.D.P. in the mid-1980s, when the company said it was processing paychecks for a 10th of the nation's work force. Afterward he became involved in an array of community, philanthropic and other business endeavors. With his wife he created the Henry and Marilyn Taub Foundation, with assets estimated at \$150 million.

He financed the Taub Institute for Research on Alzheimer's Disease and the Aging Brain at Columbia University, the Taub Center for Israel Studies at New York University and the Taub Center for Social Policy Studies in Israel in Jerusalem.

Among other activities, he was president of the American Technion Society, the United States affiliate of an Israeli institute of technology, and was chairman of the institute's international board of governors. He was chairman of the United Israel Appeal from 1986 to 1990.

He was also a trustee of New York University and served on the boards of Rite-Aid, Hasbro, Bank Leumi and Trust Company of New York, Interfaith Hunger Appeal and the New York Shakespeare Festival/Public Theater.

Mr. Taub is survived by his brother, Joseph; his wife of 53 years, Marilyn; their three children, Judith Gold, Steven and Ira; and 10 grandchildren.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENT'S REPORT TO CONGRESS RELATIVE TO THE SECRETARY OF COMMERCE'S CERTIFICATION UNDER SECTION 8 OF THE FISHERMAN'S PROTECTIVE ACT OF 1967, AS AMENDED (THE "PELLE AMENDMENT") (22 U.S.C. 1978) THAT NATIONALS OF ICELAND HAVE CONDUCTED WHALING ACTIVITIES THAT DIMINISH THE EFFECTIVENESS OF THE INTERNATIONAL WHALING COMMISSION (IWC) CONSERVATION PROGRAM—PM 21

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

On July 19, 2011, Secretary of Commerce Gary Locke certified under section 8 of the Fisherman's Protective Act of 1967, as amended (the "Pelly Amendment") (22 U.S.C. 1978), that nationals of Iceland are conducting whaling activities that diminish the effectiveness of the International Whaling Commission (IWC) conservation program. This message constitutes my report to the Congress consistent with subsection (b) of the Pelly Amendment.

In 1982, the IWC set catch limits for all commercial whaling at zero. This decision, known as the commercial whaling moratorium, is in effect today. Iceland abided by the moratorium until 1992, when it withdrew from the IWC. In 2002, Iceland rejoined the IWC with a reservation to the moratorium on commercial whaling. In 2003, Iceland began a lethal scientific research whaling program. In 2004, Secretary of Commerce Donald L. Evans certified Iceland under the Pelly Amendment for lethal scientific research whaling. When Iceland resumed commercial whaling in 2006, Secretary Carlos M. Gutierrez retained Iceland's certification, which remains in effect today.

Iceland's commercial harvest of fin whales escalated dramatically over the past few years. In addition, Iceland recently resumed exporting whale products. Of particular concern to the United States, Iceland harvested 125 endangered fin whales in 2009 and 148 in 2010, a significant increase from the total of 7 fin whales it commercially harvested between 1987 and 2007.

Iceland's sole fin whaling company, Hvalur hf, suspended its fin whaling due to the earthquake and tsunami in Japan, where it exports its whale meat. Despite this suspension, Iceland continues to permit whaling and has a government issued fin whale quota in effect for the 2011 season that continues to exceed catch levels that the IWC's scientific body advised would be sustainable if the moratorium was removed. This continues to present a threat to the conservation of fin whales. Further, Icelandic nationals continue to hunt minke whales commercially and Iceland's exports of

whale meat to Japan reportedly increased significantly in both March and April 2011.

Iceland's actions threaten the conservation status of an endangered species and undermine multilateral efforts to ensure greater worldwide protection for whales. Iceland's increased commercial whaling and recent trade in whale products diminish the effectiveness of the IWC's conservation program because: (1) Iceland's commercial harvest of whales undermines the moratorium on commercial whaling put in place by the IWC to protect plummeting whale stocks; (2) the fin whale harvest greatly exceeds catch levels that the IWC's scientific body advised would be sustainable if the moratorium were removed; and (3) Iceland's harvests are not likely to be brought under IWC management and control at sustainable levels through multilateral efforts at the IWC.

In his letter of July 19, 2011, Secretary Locke expressed his concern for these actions, and I share these concerns. To ensure that this issue continues to receive the highest level of attention, I direct: (1) relevant U.S. delegations attending meetings with Icelandic officials and senior Administration officials visiting Iceland to raise U.S. concerns regarding commercial whaling by Icelandic companies and seek ways to halt such action; (2) Cabinet secretaries to evaluate the appropriateness of visits to Iceland depending on continuation of the current suspension of fin whaling; (3) the Department of State to examine Arctic cooperation projects, and where appropriate, link U.S. cooperation to the Icelandic government changing its whaling policy and abiding by the IWC moratorium on commercial whaling; (4) the Departments of Commerce and State to consult with other international actors on efforts to end Icelandic commercial whaling and have Iceland abide by the IWC moratorium on commercial whaling; (5) the Department of State to inform the Government of Iceland that the United States will continue to monitor the activities of Icelandic companies that engage in commercial whaling; and (6) relevant U.S. agencies to continue to examine other options for responding to continued whaling by Iceland.

I concur with the Secretary of Commerce's recommendation to pursue the use of non-trade measures and that the actions outlined above are the appropriate course of action to address this issue. Accordingly, I am not directing the Secretary of the Treasury to impose trade measures on Icelandic products for the whaling activities that led to the certification by the Secretary of Commerce. However, to ensure that this issue continues to receive the highest level of attention, I am directing the Departments of State and Commerce to continue to keep the situation under review and continue to urge Iceland to cease its commercial whaling activities. Further, within 6

months, or immediately upon the resumption of fin whaling by Icelandic nationals, I have directed relevant departments and agencies to report to me through the Departments of State and Commerce on their actions. I believe these actions hold the most promise of effecting a reduction in Iceland's commercial whaling activities.

BARACK OBAMA.
THE WHITE HOUSE, September 15, 2011.

MESSAGES FROM THE HOUSE

At 9:40 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 77. Joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code, on August 2, 2011.

At 2:44 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2587. An act to prohibit the National Labor Relations Board from ordering any employer to close, relocate, or transfer employment under any circumstances.

H.R. 2867. An act to reauthorize the International Religious Freedom Act of 1998, and for other purposes.

The message also announced that pursuant to 22 U.S.C. 276d and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Canada-United States Interparliamentary Group: Mr. DREIER of California, Mr. LUNGREN of California, Mrs. MILLER of Michigan, Mr. SMITH of Nebraska, Mr. HUIZENG of Michigan, Mr. HIGGINS of New York, Mr. MEEKS of New York, Ms. SLAUGHTER of New York, Mr. WELCH of Vermont, and Mr. LARSEN of Washington.

MEASURES REFERRED

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

H.R. 2867. An act to reauthorize the International Religious Freedom Act of 1998, and for other purposes; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar pursuant to Public Law 112-25, section 301(a)(2):

H.J. Res. 77. Joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101A of title 31, United States Code, on August 2, 2011.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2587. An act to prohibit the National Labor Relations Board from ordering any employer to close, relocate, or transfer employment under any circumstance.

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-3247. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Cattle and Bison; State and Zone Designations; Michigan" (Docket No. APHIS-2011-0075) received in the Office of the President of the Senate on September 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3248. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to violations of the Antideficiency Act that occurred within the Operation and Maintenance, Navy account 17* 1804, during Fiscal Year (FY) 2004 and FY 2006 at the Bureau of Naval Personnel and was assigned Navy case number 07-10; to the Committee on Appropriations.

EC-3249. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11-069, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-3250. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Admiral Gary Roughead, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

EC-3251. A communication from the Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Allen G. Peck, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3252. A communication from the Acting Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled "The Fiscal Year 2010 Inventory of Contracts for Services"; to the Committee on Armed Services.

EC-3253. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Ships Bunkers Easy Acquisitions (SEA) Card and Aircraft Ground Services" ((RIN0750-AH07) (DFARS Case 2009-D019)) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Armed Services.

EC-3254. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Presumption of Development Exclusively at Private Expense" ((RIN0750-AF84) (DFARS Case 2007-D003)) received in the Of-

fice of the President of the Senate on September 14, 2011; to the Committee on Armed Services.

EC-3255. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Multiyear Contracting" ((RIN0750-AG89) (DFARS Case 2009-D026)) received in the Office of the President of the Senate on September 14, 2011; to the Committee on Armed Services.

EC-3256. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Annual Representations and Certifications" ((RIN0750-AG39) (DFARS Case 2009-D011)) received in the Office of the President of the Senate on September 14, 2011; to the Committee on Armed Services.

EC-3257. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-8195)) received in the Office of the President of the Senate on September 14, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3258. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Indorsement and Payment of Checks Drawn on the United States Treasury" (RIN1510-AB25) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3259. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Retail Foreign Exchange Transactions" (RIN1557-AD42) received in the Office of the President of the Senate on September 12, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-3260. 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-3261. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Privacy Act of 1974; Implementation and Amendment of Exemptions" (17 CFR Part 200) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC-3262. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Federal Government Participation in the Automated Clearing House" (RIN1510-AB24) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC-3263. 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 "Air Transportation and Aviation Fuels Excise Taxes" (Notice 2011-69) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC-3264. 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 "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2011-75) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC-3265. 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 "List of Nonbank Trustees and Custodians" (Announcement 2011-59) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC-3266. 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 "Announcement of the Results of the 2010-2011 Allocation Round of the Qualifying Advanced Coal Project Program" (Announcement 2011-62) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC-3267. 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 "Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Tax Liability" (Rev. Proc. 2011-45) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC-3268. 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 "Section 6707A and the Failure to Include on Any Return or Statement Any Information Required to be Disclosed under Section 6011 with Respect to a Reportable Transaction" ((RIN1545-BF61) (TD 9550)) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC-3269. 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 "Implementation of Form 990" ((RIN1545-BH28) (TD 9549)) received in the Office of the President of the Senate on September 13, 2011; to the Committee on Finance.

EC-3270. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the justification for the President's waiver of the restrictions on the provision of funds to the Palestinian Authority; to the Committee on Foreign Relations.

EC-3271. A communication from the Secretary of the Department of Homeland Security, transmitting, a legislative proposal relative to implementing a pay reform initiative referenced in the Department of Homeland Security's Fiscal Year 2012 Congressional Budget Justification; to the Committee on Homeland Security and Governmental Affairs.

EC-3272. A communication from the Register of Copyrights, United States Copyright Office, Library of Congress, transmitting, pursuant to law, a report entitled "Satellite Television Extension and Localism Act"; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2219. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2012, and for other purposes (Rept. No. 112-77).

By Ms. MIKULSKI, from the Committee on Appropriations, without amendment:

S. 1572. An original bill making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2012, and for other purposes (Rept. No. 112-78).

By Mr. DURBIN, from the Committee on Appropriations, without amendment:

S. 1573. An original bill making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 112-79).

By Mr. NELSON of Nebraska, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2551. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2012, and for other purposes (Rept. No. 112-80).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Edgardo Ramos, of Connecticut, to be United States District Judge for the Southern District of New York.

Andrew L. Carter, Jr., of New York, to be United States District Judge for the Southern District of New York.

James Rodney Gilstrap, of Texas, to be United States District Judge for the Eastern District of Texas.

Jesse M. Furman, of New York, to be United States District Judge for the Southern District of New York.

(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 Ms. STABENOW (for herself, Mr. THUNE, Mr. BROWN of Ohio, Mr. BENNET, Mr. WYDEN, Mr. COONS, Mr. BLUNT, Mr. COCHRAN, and Mr. INHOFE):

S. 1561. A bill to amend the Internal Revenue Code of 1986 to provide for the deductibility of charitable contributions to agricultural research organizations, and for other purposes; to the Committee on Finance.

By Mr. LUGAR (for himself and Ms. COLLINS):

S. 1562. A bill to amend section 1502 of title 5, United States Code, to permit law enforcement officers to be candidates for sheriff, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE (for herself and Mr. BROWN of Massachusetts):

S. 1563. A bill to require the President's budget to include, at a minimum, a request for disaster funding based on to the 10 year average; to the Committee on the Budget.

By Mr. UDALL of New Mexico (for himself and Mr. CRAPO):

S. 1564. A bill to amend the Clean Air Act to improve the renewable fuel program by

combining the categories of "cellulosic biofuel" and "advance biofuel" into 1 technology- and feedstock-neutral category of "advanced biofuel", and for other purposes; to the Committee on Environment and Public Works.

By Mr. CASEY:

S. 1565. A bill to establish the National Competition for Community Renewal to encourage communities to adopt innovative strategies and design principles to programs related to poverty prevention, recovery and response, and for other purposes; to the Committee on Finance.

By Mr. KIRK (for himself, Mr. ALEXANDER, Mr. BURR, Mr. ISAKSON, Mr. MCCAIN, Mr. ROBERTS, Mr. RUBIO, and Mr. WICKER):

S. 1566. A bill to amend the Elementary and Secondary Education Act of 1965 regarding public charter schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER (for himself, Mr. ISAKSON, Mr. KIRK, Mr. ROBERTS, and Mr. WICKER):

S. 1567. A bill to amend title II of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER (for himself, Mr. BURR, Mr. RUBIO, Mr. GRASSLEY, Mr. ROBERTS, Mr. WICKER, and Mr. CORNYN):

S. 1568. A bill to amend section 9401 of the Elementary and Secondary Education Act of 1965 with regard to waivers of statutory and regulatory requirements; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURR (for himself, Mr. ALEXANDER, Mr. ISAKSON, Mr. ROBERTS, Mr. RUBIO, and Mr. WICKER):

S. 1569. A bill to amend the Elementary and Secondary Education Act of 1965 to provide State educational agencies and local educational agencies with flexible Federal education funding that will allow such State and local educational agencies to fund locally determined programs and initiatives that meet the varied and unique needs of individual States and localities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN:

S. 1570. A bill to provide for high-quality academic tutoring for low-income students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ISAKSON (for himself, Mr. ALEXANDER, Mr. KIRK, Mr. RUBIO, Mr. ROBERTS, and Mr. WICKER):

S. 1571. A bill to amend title I of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MIKULSKI:

S. 1572. An original bill making appropriations for Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2012, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. DURBIN:

S. 1573. An original bill making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes; from the Committee on Appropriations; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. ENZI (for himself, Mr. BAR-RASSO, Mr. MCCONNELL, Mr. REID, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. McCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 268. A resolution relative to the death of the Honorable Malcolm Wallop, former Senator for the State of Wyoming; considered and agreed to.

By Mr. GRAHAM (for himself, Mrs. HAGAN, Mr. ALEXANDER, Mr. BURR, Mr. BROWN of Ohio, Mr. CARDIN, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. COONS, Mr. CORNYN, Mr. DEMINT, Mr. DURBIN, Mrs. HUTCHISON, Mrs. McCASKILL, Ms. LANDRIEU, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. CARPER, and Mr. LEVIN):

S. Res. 269. A resolution designating the week beginning September 19, 2011, as "National Historically Black Colleges and Universities Week"; considered and agreed to.

By Mr. NELSON of Nebraska (for himself, Mr. CHAMBLISS, Mr. NELSON of Florida, and Mr. ISAKSON):

S. Res. 270. A resolution supporting the goals and ideals of "National Life Insurance Awareness Month"; to the Committee on Banking, Housing, and Urban Affairs.

ADDITIONAL COSPONSORS

S. 228

At the request of Mr. JOHNSON of Wisconsin, his name was added as a cosponsor of S. 228, a bill to preempt regulation of, action relating to, or consideration of greenhouse gases under Federal and common law on enactment of a Federal policy to mitigate climate change.

S. 366

At the request of Mrs. GILLIBRAND, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 366, a bill to require disclosure to the Securities and Exchange Commission of certain sanctionable activities, and for other purposes.

S. 384

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 384, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 412

At the request of Mr. LEVIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 434

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

S. 484

At the request of Mr. BENNET, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 484, a bill to direct the Secretary of Education to pay to Fort Lewis College in the State of Colorado an amount equal to the tuition charges for Indian students who are not residents of the State of Colorado.

S. 497

At the request of Ms. MIKULSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 497, a bill to amend the Immigration and Nationality Act to modify the requirements of the visa waiver program and for other purposes.

S. 506

At the request of Mr. CASEY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 641

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

S. 693

At the request of Mr. JOHNSON of Wisconsin, his name was added as a cosponsor of S. 693, a bill to establish a term certain for the conservatorships of Fannie Mae and Freddie Mac, to provide conditions for continued operation of such enterprises, and to provide for the wind down of such operations and dissolution of such enterprises.

S. 742

At the request of Mr. BROWN of Ohio, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 742, a bill to amend chapters 83 and 84 of title 5, United States Code, to set the age at which Members of Congress are eligible for an annuity to the same age as the retirement age under the Social Security Act.

S. 821

At the request of Mr. LEAHY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 821, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1002

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1025

At the request of Mr. LEAHY, the name of the Senator from Wyoming (Mr. ENZI) 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 name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor 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. 1094

At the request of Mr. MENENDEZ, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1094, a bill to reauthorize the Combating Autism Act of 2006 (Public Law 109-416).

S. 1151

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1151, a bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

S. 1214

At the request of Mrs. GILLIBRAND, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1214, a bill to amend title 10, United States Code, regarding restrictions on the use of Department of Defense funds and facilities for abortions.

S. 1280

At the request of Mr. ISAKSON, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1280, a bill to amend the Peace Corps Act to require sexual assault risk-reduction and response training, and the development of sexual assault protocol and guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes.

S. 1301

At the request of Mr. LEAHY, the names of the Senator from Ohio (Mr. BROWN) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in person, and for other purposes.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1366

At the request of Ms. CANTWELL, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1366, a bill to amend the Internal Revenue Code of 1986 to broaden the special rules for certain governmental plans under section 105(j) to include plans established by political subdivisions.

S. 1369

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1369, a bill to amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

S. 1392

At the request of Ms. COLLINS, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1399

At the request of Mr. FRANKEN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1399, a bill to protect children affected by immigration enforcement actions, and for other purposes.

S. 1472

At the request of Mrs. GILLIBRAND, the name of the Senator from Indiana

(Mr. COATS) was added as a cosponsor of S. 1472, a bill to impose sanctions on persons making certain investments that directly and significantly contribute to the enhancement of the ability of Syria to develop its petroleum resources, and for other purposes.

S. 1514

At the request of Mr. TESTER, the names of the Senator from Nevada (Mr. REID), the Senator from Oregon (Mr. MERKLEY), the Senator from New York (Mr. SCHUMER) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 1514, a bill to authorize the President to award a gold medal on behalf of the Congress to Elouise Pepion Cobell, in recognition of her outstanding and enduring contributions to American Indians, Alaska Natives, and the Nation through her tireless pursuit of justice.

S. 1523

At the request of Mr. GRAHAM, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Florida (Mr. RUBIO) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of S. 1523, a bill to prohibit the National Labor Relations Board from ordering any employers to close, relocate, or transfer employment under any circumstance.

S. 1528

At the request of Mr. JOHANNIS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1528, a bill to amend the Clean Air Act to limit Federal regulation of nuisance dust in areas in which that dust is regulated under State, tribal, or local law, to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, and for other purposes.

S. 1538

At the request of Ms. COLLINS, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1538, a bill to provide for a timeout on certain regulations, and for other purposes.

S. 1540

At the request of Mr. CASEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1540, a bill to amend the Internal Revenue Code of 1986 to allow credits for the purchase of franchises by veterans.

S. 1552

At the request of Mr. CRAPO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1552, a bill to amend the Endangered Species Act of 1973 to provide an exception to that Act for actions carried out against grizzly bears in self-defense, defense of others, or a reasonable belief of imminent danger.

S. 1558

At the request of Mr. SANDERS, the name of the Senator from Minnesota

(Ms. KLOBUCHAR) was added as a cosponsor of S. 1558, a bill to amend the Internal Revenue Code of 1986 to apply payroll taxes to remuneration and earnings from self-employment up to the contribution and benefit base and to remuneration in excess of \$250,000.

S. RES. 232

At the request of Mr. MENENDEZ, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. Res. 232, a resolution recognizing the continued persecution of Falun Gong practitioners in China on the 12th anniversary of the campaign by the Chinese Communist Party to suppress the Falun Gong movement, recognizing the Tuidang movement whereby Chinese citizens renounce their ties to the Chinese Communist Party and its affiliates, and calling for an immediate end to the campaign to persecute Falun Gong practitioners.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. STABENOW (for herself, Mr. THUNE, Mr. BROWN of Ohio, Mr. BENNET, Mr. WYDEN, Mr. COONS, Mr. BLUNT, Mr. COCHRAN, and Mr. INHOFE):

S. 1561. A bill to amend the Internal Revenue Code of 1986 to provide for the deductibility of charitable contributions to agricultural research organizations, and for other purposes; to the Committee on Finance.

Mr. INHOFE. Mr. President, Agriculture is one of the key forces driving Oklahoma's economy. In 2008 alone, Oklahoma's agriculture industry directly supported 188,000 jobs and contributed more than \$8.5 billion to the States's economy. The importance of agriculture to the Nation's economy is also difficult to understate, and the industry's products rank among the top exports each year. This year, USDA estimates that U.S. farmers and livestock producers will export nearly \$140 billion in goods to nearly every country on Earth.

Knowing that strength, it is not surprising that the industry is a hotbed of innovation. The agriculture community has long been involved in the research and development of better crops and farming methods. This work has produced crops that are resistant to drought and certain farming chemicals, are packed with more and better nutrients, and ultimately provide higher yields for every acre farmed. This research will only grow in importance as the global population continues to grow and demand more food. Fortunately, the United States is leading the world in this effort.

Oklahoma is also a key agriculture R&D player in the United States. This is in large part due to the work of the Samuel R. Noble Foundation. Headquartered in Ardmore, OK, the Noble Foundation is one of the top 50 private foundations in the United States, and the foundation employs hundreds of scientists, agriculture con-

sultants, and research personnel who are actively researching better agriculture products and practices. Between 2009 and 2010, the foundation spent nearly \$80 million on agriculture research activities, and this work has recently resulted in development of Texoma MaxQ II, a cool-weather fescue grass that will reduce the reliance of livestock producers upon costly hay and feed for their livestock during the winter months. I congratulate the Noble Foundation on this breakthrough and look forward to hearing about the future benefits of this research.

The Food and Agriculture Organization has estimated that food productivity will need to expand by 70 percent over the next 40 years to meet rising global demand. This underscores the need for continued funding for agriculture research and development so that more breakthroughs like those at the Noble Foundation occur. Today, a substantial amount of agriculture research funding is provided by the Federal Government; however, the government's share is declining. Since fiscal year 2010, Federal funding for agriculture research has decreased by nearly \$200 million, and further cuts are likely as we try to tackle the national debt. Because government is scaling down its role, Congress should do what it can to encourage the private sector to fill the gap.

One way that we can do this is with the Charitable Agriculture Research Act, of which I am a cosponsor. This bill, introduced today by Senators STABENOW and THUNE, will allow the creation of Agricultural Research Organization, ARO, which would extend public charity tax status to entities conducting continuous agriculture R&D in collaboration with land-grant universities and agriculture colleges.

Currently, several organizations conducting research focused on agriculture are structured as private foundations. This is one of the two main types of charities that are provided with beneficial tax treatment under U.S. law. Public charities—the other type—are given full tax exempt status, but because private foundations are often very large and supported by a small group of donors, they are not completely tax free and must pay taxes on the investment income earned by their endowments. Donors are also prevented from collecting their full deduction on gifts relative to those made to public charities. Because of these restrictions, the United States is not reaching its full potential when it comes to attracting private dollars for agriculture research.

The Charitable Agriculture Research Act seeks to encourage individuals and families of wealth to contribute more of their assets to public agricultural research by working in conjunction with the Nation's land-grant universities and non land-grant colleges of agriculture. This legislation will provide donors with an additional option

of where to direct their agriculture research and development donations.

This beneficial tax treatment does not come without restrictions. To maintain its tax exempt status, an ARO must conduct research and development on agriculture issues in conjunction with a land-grant university or an agriculture college. An ARO must either commit more than 50 percent of its assets to the continuous active conduct of agriculture research or it must expend at least 3.5 percent of its endowment for the same in each calendar year. These restrictions are put in place to ensure that the ARO structure is not being abused as a tax shelter for the accumulated personal wealth of an ARO's benefactors.

Over the past decade many families with a passion for agricultural research have expressed their desire to do for their geographies and their crops of interest what the Noble Foundation has done for Oklahoma, forages, and beef cattle operations. However, the tax code is not conducive to such efforts and discourages them from maximizing their contributions to agricultural research.

The ARO tax structure is modeled after the extremely successful Medical Research Organization model. Similar to AROs, these charities must do their medical research in conjunction with a non-profit or government hospital. The Howard Hughes Medical Institute and the Stowers Institute for Medical Research are prime examples of MROs. The MRO structure has made these organizations more effective and productive, and I expect no less from the ARO tax structure.

This bill will directly benefit Oklahoma by building on its legacy as a leader in agriculture R&D. As better agricultural methods and crop yields are produced in Oklahoma, the State will continue to serve as a global leader in agriculture. Oklahoma is home to 86,000 farms that occupy 80 percent of the State's land area. The State has the land, the natural resources, and the facilities necessary to enhance agricultural research. The creation of AROs will help attract the necessary private capital to build on this success and boost research at our Nation's land-grant universities and non land-grant colleges of agriculture.

ARO's will not be provided with a new tax incentive or a benefit greater than existing charitable organizations. They will, however, offer individuals an additional choice of where to send their charitable dollars. When individuals donate to AROs they will have certainty that their money will contribute directly to agriculture research rather than to other causes, which are guarantees not provided by most other charitable organizations. As we face deeper budget cuts on everything from education to agriculture research, we need to take the steps to encourage the private sector to step into the void left by Washington. AROs will help do this in the agriculture R&D community, so I urge its swift passage.

By Ms. SNOWE (for herself and Mr. BROWN of Massachusetts):

S. 1563. A bill to require the President's budget to include, at a minimum, a request for disaster funding based on the 10 year average; to the Committee on the Budget.

Ms. SNOWE. Mr. President, I rise today in support of the Safeguarding Disaster Funding Act of 2011, which I am introducing along with Senator BROWN from Massachusetts. This legislation would amend the Congressional Budget Act and the Budget Control Act to require the President to provide a more comprehensive view of disaster funding in his annual budget request.

Our bill would ensure that the true cost of disaster assistance is reflected in the President's budget, by requiring that Presidents' annual budget requests for disaster programs include funding levels equal to the average amount provided annually over the previous ten years, excluding the highest and lowest years, to account for years with unusually high or low disaster activity.

As disaster funding is already considered "no-year" money, unused monies would carry over to support years where additional funds are required. The status quo of Congress providing emergency appropriations to support these efforts, rather than including reasonable estimates, based on past disaster activity trends, is fiscally irresponsible. We should be working with the Administration to fund the necessary and appropriate activities of the Federal government, including disaster assistance. Responsible budgeting for disasters is the right thing to do for the victims of devastation, as the vivid images of the damage from Hurricane Irene have reminded us.

Hurricane Irene caused more than 4.5 million homes and businesses along the East Coast to lose power, including nearly 185,000 in my home State of Maine, which suffered flooding and washed out bridges in the Western portion of the state. But now that the winds and rain have subsided, our cities and towns must rebuild from the devastation.

With the Federal Emergency Management Agency's funding currently running unnecessarily low, they now must work on an "immediate needs funding" basis, meaning that non-emergency recovery projects are put on hold. Support of natural disaster recovery should not be stalled by the need for Emergency Supplemental Appropriations. While we cannot completely predict the number or nature of natural disasters, we do know that these events occur and cause massive damage. Policymakers cannot continue to play with the livelihoods of recovering Americans; assurances must be made that their recovery is facilitated through current Federal disaster recovery programs.

The Safeguarding Disaster Funding Act of 2011 will ensure that the President properly accounts for disaster

spending. By basing the President's budget request for disaster funding on a ten-year average, and excluding the highs and the lows, we are assuring that funds are neither overextended nor falsely underestimated. In these hard economic times, Congress must promote fiscal responsibility while ensuring that those areas struck by disasters are able to access the funds needed to quickly rebuild.

I hope that my fellow colleagues will support this bill. In the wake of recent disasters it is readily apparent that we must plan better for these events.

By Mr. CASEY:

S. 1565. A bill to establish the National Competition for Community Renewal to encourage communities to adopt innovative strategies and design principles to programs related to poverty prevention, recovery and response, and for other purposes; to the Committee on Finance.

Mr. CASEY. Mr. President, today over 15 percent of Americans live in poverty including 22 percent of our children. 46.2 million Americans and 16.4 million children struggle every day to survive in a system that is demoralizing and unfortunately does more to maintain people who live in poverty than to help them escape. Last year, 2.6 million Americans were added to the poverty rolls and 8.9 million have been added since 2007.

This must change. That is why I am today reintroducing the National Opportunity and Community Renewal Act. This legislation puts forth some new ideas and will grant waivers to ten communities so they can test different approaches to combatting poverty. I am not saying this is the only path forward or the most suitable path forward. But we must begin somewhere and we must take a comprehensive approach. As Robert Kennedy once said when talking about tackling the poverty problem in our country, we must "grab the web whole." Piecemeal approaches won't work.

I know there are other Senators and Congressmen along with policy professionals and academics who share my concern and commitment to reducing poverty. I invite people to review this proposal. Let me know what you think and if you have other ideas to bring them to the table. It is long past time to reestablish our national commitment to the least fortunate.

We must also acknowledge that there is not one answer to helping people out of poverty. That is why this legislation is important. It will allow communities to pursue innovative approaches to problems arising from poverty and avoids a "one size fits all" method. This legislation also targets individuals and mandates the creation of an individual opportunity plan for every household. It also helps address the root causes of poverty by giving local communities to design programs that fit their community and they would not be restricted by the current law.

These pilots will help us test new ideas and understand how new approaches can help lift people out of poverty.

In closing, I should note it has been almost fifty years since Michael Harrington published *The Other America* and opened Americans eyes to the pernicious impact of poverty. While there have been improvements made in the ensuing years we still have a long way to go. Let us begin anew today.

By Mr. MCCAIN:

S. 1570. A bill to provide for high-quality academic tutoring for low-income students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. MCCAIN. Mr. President, when poor children in low performing schools need help, what options are available to their parents to give them a chance to improve their learning achievement? Sadly, very few options exist to give children in low performing schools a chance.

I am pleased to introduce legislation that will protect and enhance the right of parents to have final say in their children's education. In order to create better outcomes for our nation's youth, we must restore power to parents. We must ensure that parents have real choices to raise their child's achievement level when schools fail to do so. The Tutoring for Students Act, furthers this critical goal by establishing a state-level grant program to give low-income parents the ability to provide their children high quality academic tutoring.

Low-income parents should have the same opportunities to help their children achieve as families with greater economic means.

Tutoring is as much a part of education in America as the yellow school bus or the neighborhood school building. If your child is struggling academically, and you have the financial means to do so, you get your child a tutor. Tutoring is time proven and common sense. Equally, while there are many ideas about how to improve education in America, one thing upon which everyone agrees plays a critical role in any child's education: the active involvement of their parents.

The Tutoring for Students Act encourages the active engagement of parents by giving them a say in helping their child's education. Parents can drive schools to apply for tutoring grants. Parents choose to enroll their children. Parents pick which tutoring provider they send their child to. Parents receive progress updates on their child.

For too long in this country the debate about education has been more about the institutions—the institution of powerful unions, the institution of the school bureaucracies. Make no mistake about it, strong leadership in the classroom and in school administration is important. However, education is not about protecting and preserving union contracts and the jobs of bureau-

crats. Education is about our children. If they aren't getting what they need in the classroom, we need to work with schools to help them improve. At the same time, we must provide students in struggling schools with the help they need to ensure they receive a quality education.

The foundation for success in education is setting high expectations for our schools and holding them accountable to develop our most precious resource—our children. Every child, no matter what their economics, deserves not only a chance, but has an absolute right, to a good education. If students can't get what they deserve in the classroom, then we must empower parents with educational support tools and the ability to make meaningful choices about what is best for their children.

When Congress passed No Child Left Behind, embedded in that landmark legislation were certain programs specifically designed to recognize the importance of parental empowerment and parental participation. Supplemental Education Services is a program specifically designed to give low-income families the ability to access educational support opportunities just like families with more financial freedom, to shop for the best tutoring services for their child.

Thoughtful education reform means building upon successes and lessons learned. We have learned a great deal since passage of No Child Left Behind. That includes our experience in providing tutoring services to low-income children. One of the most important lessons we learned is that tutoring works. In March, the U.S. Department of Education released a study stating that the tutoring program led to significant gains in math and reading student achievement. Studies by respected organizations like the Rand Corporation and school districts like the Chicago Public Schools have come to similar conclusions.

Another important lesson from NCLB is the cynical lengths to which some low performing schools districts are willing to go in order to avoid accountability and deny parents the opportunity to access tutoring services for their children. Far too often these districts gamed the enrollment process for tutoring services, making it difficult, if not impossible for parents to exercise their right to take advantage of the SES program and get their children the educational support services—tutoring—they desperately needed. Similarly, due to poor oversight, there have been cases where tutors failed to meet their responsibility to provide high quality tutoring.

These problems are addressed in this legislation by establishing a state-administered grant program. Any school can elect to participate, allowing low-income parents with children attending participating schools to take advantage of high quality tutoring services. The Tutoring for Students Act requires

strict oversight of tutoring service providers, from certification to evaluation, in order to ensure that parents can rely upon qualified tutoring service providers to help their children.

I do not favor more Federal control over education. That is why the Tutoring for Students Act is not a Federal mandate. Rather, it is a guarantee that parents will have the right to stand up for their children and give them the opportunity for a better education and a better life. Empowering parents with the ability to positively impact their child's education is not a mandate. It is common sense. Freedom is not a Federal mandate. It is an individual right. The best use of Federal dollars in education is to make them more accessible to parents, empowering them to look out for the needs of their children. High quality tutoring is a common-sense, academic lifeline.

In my home State of Arizona, organizations like the Education Breakthrough Network to Literacy Volunteers of Tucson and the Arizona Chapter of Campfire USA have voiced their strong support. Nationwide, organizations such as the United Farm Workers of America, the National Urban League, the Commonwealth Foundation and the John Locke Institute continue to stand up for the rights of parents to have more tools and choices to help their children achieve. There is strong support for this program among communities across America, particularly among the parents who so often do not have a voice representing their needs and interests here in Washington.

I look forward to working with Senator ENZI, Senator HARKIN, and the rest of my colleagues to secure passage of meaningful education reform that includes protecting and strengthening the ability of parents to make educational choices for their children, choices that include high quality tutoring.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 268—RELATIVE TO THE DEATH OF THE HONORABLE MALCOLM WALLOP, FORMER SENATOR FOR THE STATE OF WYOMING

Mr. ENZI (for himself, Mr. BARRASSO, Mr. MCCONNELL, Mr. REID of Nevada, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER,

Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 268

Whereas Malcolm Wallop served in the Wyoming House of Representatives from 1969 to 1972, and in the Wyoming Senate from 1973 to 1976;

Whereas Malcolm Wallop represented the people of the State of Wyoming in the United States Senate with distinction for 18 years, from 1977 to 1995;

Whereas, while serving in the Senate, Malcolm Wallop championed the development of space-based anti-missile defense, supported legislation to reduce inheritance and gift taxes, fought to restore fish habitats in the United States, and opposed the control of the water resources of the State of Wyoming by the Federal Government;

Whereas Malcolm Wallop created the Congressional Award Program in 1979 as a challenge to young people throughout the United States to change the world around them through personal initiative, achievement, and service;

Whereas, in 1984, Malcolm Wallop coauthored section 1014 of the Tax Reform Act of 1984 (Public Law 98-369; 98 Stat. 1015), commonly known as the Wallop-Breaux Amendment, which remains today as the leading legislative initiative for sport fish restoration in the United States;

Whereas Malcolm Wallop served as chairman of the Select Committee on Ethics, ranking member of the Committee on Energy and Natural Resources and the Committee on Armed Services, chairman of the Senate Steering Committee, and was the first nonlawyer in the history of the Senate to serve on the Committee on the Judiciary;

Whereas, after retiring from the Senate, Malcolm Wallop founded the Frontiers of Freedom Institute to continue addressing the issues he championed as a Senator and to ensure that the ideals he espoused were not forgotten; and

Whereas the hallmarks of Malcolm Wallop's public service were conservatism, civility, and working for the western way of life: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Malcolm Wallop, former member of the Senate; and

(2) the Secretary of the Senate communicate this resolution to the House of Representatives and transmit an enrolled copy of this resolution to the family of the deceased.

SENATE RESOLUTION 269—DESIGNATING THE WEEK BEGINNING SEPTEMBER 19, 2011, AS “NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK”

Mr. GRAHAM (for himself, Mrs. HAGAN, Mr. ALEXANDER, Mr. BURR, Mr. BROWN of Ohio, Mr. CARDIN, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. COONS, Mr. CORNYN, Mr. DEMINT, Mr. DURBIN, Mrs. HUTCHISON, Mrs. MCCASKILL, Ms. LANDRIEU, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. CARPER, and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 269

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities allow talented and diverse students, many of whom represent underserved populations, to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 19, 2011, as “National Historically Black Colleges and Universities Week”; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

SENATE RESOLUTION 270—SUPPORTING THE GOALS AND IDEALS OF “NATIONAL LIFE INSURANCE AWARENESS MONTH”

Mr. NELSON of Nebraska (for himself, Mr. CHAMBLISS, Mr. NELSON of Florida, and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 270

Whereas the vast majority of people in the United States recognize that life insurance is important to protecting their loved ones;

Whereas the life insurance industry pays approximately \$60,000,000,000 to beneficiaries each year, providing a tremendous source of financial relief and security to families that experience the loss of a loved one;

Whereas, as of the date of agreement to this resolution, the unfortunate reality is that approximately 95,000,000 adults in the United States have no life insurance, and ownership of both individual and employer-sponsored life insurance has declined in recent years;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care;

Whereas individuals, families, and businesses can benefit from professional insur-

ance and financial planning advice, including an assessment of their life insurance needs; and

Whereas numerous groups supporting life insurance have designated September 2011 as “National Life Insurance Awareness Month” as a means to encourage consumers to become more aware of their life insurance needs, seek advice from qualified insurance professionals, and take the actions necessary to achieve financial security for their loved ones: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of “National Life Insurance Awareness Month”; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 610. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

SA 611. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 612. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 613. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra.

SA 614. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 615. Mr. SANDERS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 616. Mr. SANDERS (for himself, Mr. LEAHY, and Mr. LAUTENBERG) submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 617. Mr. LAUTENBERG (for himself, Mr. LEAHY, Mr. SANDERS, Mr. MENENDEZ, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 618. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 619. Mr. LEAHY (for himself, Mr. SANDERS, Mr. LAUTENBERG, Mrs. GILLIBRAND, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 620. Mr. CONRAD (for himself, Mr. LEAHY, Mr. LAUTENBERG, Mrs. GILLIBRAND, Mr. MENENDEZ, Mr. SANDERS, and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 66, supra; which was ordered to lie on the table.

SA 621. Mr. PAUL proposed an amendment to the bill H.R. 2887, to provide an extension of surface and air transportation programs, and for other purposes.

SA 622. Mr. PAUL proposed an amendment to the bill H.R. 2887, *supra*.

TEXT OF AMENDMENTS

SA 610. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; as follows:

At the appropriate place, insert the following:

SEC. ____. **CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.**

Notwithstanding any other provision of law, not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of the relevant department and agencies to—

(1) use available administrative authority to eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress, entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP) and apply the savings towards deficit reduction;

(2) identify and report to Congress any legislative changes required to further eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress, entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP);

(3) determine the total cost savings that shall result to each agency, office, and department from the actions described in paragraph (1); and

(4) rescind from the appropriate accounts the amount greater of—

(A) \$7,000,000,000; or

(B) the total amount of cost savings estimated by paragraph (3).

SA 611. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. **CONSOLIDATING UNNECESSARY DUPLICATIVE, OVERLAPPING, AND INEFFECTIVE GOVERNMENT PROGRAMS.**

Notwithstanding any other provision of law, not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of the relevant departments and agencies, including the Secretary of the Department of Labor, the Secretary of the Department of Health and Human Services, and the Secretary of Education, to—

(1) use available administrative authority to consolidate Government employment and

training programs with duplicative and overlapping missions identified in the 2011 Government Accountability Office reports to Congress, entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP) and “Multiple Employment and Training Programs: Providing Information on Consolidating Services and Consolidating Administrative Structures Could Promote Efficiencies” (GAO-11-92), including the Department of Health and Human Services’ Temporary Assistance for Needy Families (TANF) and the Department of Labor’s Employment Service and Workforce Investment Act (WIA) Adult programs, and apply the savings towards deficit reduction;

(2) reduce by no less than 10 percent the excessive administrative costs of Government employment and training services identified in the 2011 Government Accountability Office reports to Congress, entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP) and “Multiple Employment and Training Programs: Providing Information on Consolidating Services and Consolidating Administrative Structures Could Promote Efficiencies” (GAO-11-92), including the \$160,000,000 spent by the Temporary Assistance for Needy Families program to administer employment and training services and the \$56 million spent by the Department of Labor to administer the WIA Adult program, including the approximately \$4,000 spent for each WIA Adult participant who receives training services, and apply the savings towards deficit reduction;

(3) eliminate, as part of the consolidation described in paragraph (1), Government employment and training programs that have not demonstrated effectiveness in documenting a high rate of participants entering full-time employment or obtaining other positive job-related outcomes, such as increased wage or promotion;

(4) identify and report to Congress any legislative changes required to further eliminate, consolidate, streamline, and reduce administrative costs of Government employment and training programs with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress, entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP);

(5) determine the total cost savings that shall result to each department and program from the actions described in paragraphs (1), (2), and (3); and

(6) rescind from the appropriate accounts of the Department of Labor and the Department of Health and Human Services the amount greater of—

(A) \$7,000,000,000; or

(B) the total amount of cost savings estimated under paragraph (5).

SA 612. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____. **RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET INCREASE IN SPENDING.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, of all available unob-

ligated funds, \$28,000,000,000 in appropriated discretionary funds are hereby rescinded.

(b) **IMPLEMENTATION.**—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under subsection (a) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(c) **EXCEPTION.**—This section shall not apply to the unobligated funds of the Department of Defense, the Department of Veterans Affairs, or the Social Security Administration.

SA 613. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; as follows:

On page 12, between lines 11 and 12, insert the following:

TITLE VI
OFFSET

SEC. 601. (a) All unobligated balances made available to the United States Agency for International Development for foreign assistance programs for fiscal year 2011 are rescinded.

(b) There is rescinded on a pro rata base from the unobligated balances made available to the Department of State for fiscal 2011 an amount equal to the difference obtained by subtracting—

(1) the amount rescinded under subsection (a); from

(2) the amount appropriated under this division.

SA 614. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

After section 2, insert the following:

SEC. 3. EXEMPTION.

The reconstruction process of any road, highway, or bridge that is in operation or under construction when damaged by a natural disaster, including a flood, and reconstructed in the same location shall be exempt from any environmental review under—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) sections 402 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344);

(3) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(4) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(5) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(6) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(7) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), except when the reconstruction occurs in designated critical habitat for threatened and endangered species;

(8) Executive Order 11990 (42 U.S.C. 4321 note; relating to the protection of wetlands); and

(9) any Federal law (including regulations) requiring no net loss of wetlands.

SA 615. Mr. SANDERS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . HIGHWAY EMERGENCY RELIEF.

(a) **DEFINITION OF QUALIFYING STATE.**—In this section, the term “qualifying State” means a State in which—

(1) there occurred, during fiscal year 2011, a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(2) the major disaster or emergency resulted in estimated damages to the Federal-aid highway system in the State in an amount that exceeds an amount equal to twice the total annual apportionment provided to any State under section 104(b) of title 23, United States Code, for fiscal year 2011.

(b) **EXEMPTION.**—As determined by the Secretary of Transportation—

(1) in the case of a qualifying State, notwithstanding section 120(e) of title 23, United States Code, or any other provision of law, the Federal share of the cost of carrying out eligible emergency repairs to minimize damage, protect facilities, or restore essential traffic, and the cost of carrying out permanent restoration work on all Federal-aid highways (as defined in section 101 of title 23, United States Code), affected by the major disaster or emergency in the State using funds made available under section 125 of title 23, United States Code, shall be 100 percent; and

(2) in the case of any State described in subsection (a)(1), the limitations under section 125(d) of title 23, United States Code, on the maximum amount of funding that may be received by the State shall not apply.

(c) **ADDITIONAL FUNDING.**—

(1) **IN GENERAL.**—Subject to paragraph (2), there is appropriated, out of money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2012, for an additional amount for the “Emergency Relief Fund”, authorized under section 125 of title 23, United States Code, for expenses described in subsection (a) of that section resulting from a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), \$2,500,000,000, to remain available until expended.

(2) **BUDGET CONTROL AUTHORITY.**—The amount made available by paragraph (1) is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177).

SA 616. Mr. SANDERS (for himself, Mr. LEAHY and Mr. LAUTENBERG) submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . DISASTER ASSISTANCE.

(a) **DEFINITIONS.**—In this section—

(1) the term “covered major disaster” means the major disaster described in paragraph (2) for a covered State;

(2) the term “covered State” means a State for which the Federal obligations under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to a major disaster during fiscal year 2011 are not less than double the threshold amount applicable to fiscal year 2011 under section 206.47(b) of title 44, Code of Federal Regulations; and

(3) the term “major disaster” means a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(b) **INCREASED FEDERAL SHARE.**—Notwithstanding any other provision of law, for assistance under section 403, 406, 407, and 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173, and 5174) provided in a covered State relating to the covered major disaster for the State, the Federal share of the assistance shall be 100 percent of the eligible costs under such sections.

(c) **MITIGATION ASSISTANCE.**—Notwithstanding the second sentence of section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)), for a covered State that has a mitigation plan approved by the Administrator of the Federal Emergency Management Agency under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165), the total of contributions in the covered State under such section 404 for the covered major disaster shall not exceed 20 percent of the estimated aggregate amount of grants to be made (less any associated administrative costs) in the State under the Robert T. Stafford Disaster Relief and Emergency Assistance Act with respect to the covered major disaster.

SA 617. Mr. LAUTENBERG (for himself, Mr. LEAHY, Mr. SANDERS, Mr. MENENDEZ, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

On page 4, line 18, strike “\$135,000,000” and insert “\$500,000,000”.

SA 618. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 602 proposed by Mr. REID to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

On page 12, between lines 11 and 12, insert the following:

TITLE VI—GENERAL PROVISIONS

SEC. 601. NO REIMBURSEMENT REQUIRED FOR COVERED TORNADO SHELTER FACILITIES.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Federal Emergency Management Agency (in this section referred to as “FEMA”) shall not require an educational institution Public Assistance applicant to reimburse FEMA for the market value of a covered temporary tornado shelter facility when the facility is no longer needed for its temporary purpose.

(b) **DEFINITIONS.**—In this section the following definitions apply:

(1) **COVERED TEMPORARY TORNADO SHELTER FACILITY.**—The term “covered temporary tornado shelter facility” means a structure—
(A) designed to provide children protection from a tornado; and

(B) constructed or acquired with Federal financial assistance.

(2) **EDUCATIONAL INSTITUTION.**—The term “educational institution” means any elementary school or any secondary school that is an eligible applicant for FEMA assistance pursuant to section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b).

SA 619. Mr. LEAHY (for himself, Mr. SANDERS, Mr. LAUTENBERG, Mrs. GILLIBRAND, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EMERGENCY RELIEF FUND.

(a) **FUNDING.**—There is appropriated, out of money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2012, for an additional amount for the “Emergency Relief Fund”, authorized under section 125 of title 23, United States Code, for expenses described in subsection (a) of such section resulting from a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), \$2,500,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177).

(b) **DISASTER-RELATED REPAIR WORK.**—

(1) **DEFINITION OF QUALIFYING STATE.**—In this subsection, the term “qualifying State” means a State in which a major disaster or emergency was designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) **EXEMPTIONS.**—As determined by the Secretary of Transportation, in the case of a qualifying State—

(A) notwithstanding section 120(e) of title 23, United States Code, or any other provision of law, the Federal share of the cost of carrying out eligible emergency repairs to minimize damage, protect facilities, or restore essential traffic, and the cost of carrying out permanent restoration work on all Federal-aid highways (as defined in section 101 of title 23, United States Code), affected by the major disaster or emergency in the State using funds made available under section 125 of title 23, United States Code, shall be 100 percent; and

(B) the limitations under section 125(d) of title 23, United States Code, on the maximum amount of funding that may be received by a State shall not apply.

SA 620. Mr. CONRAD (for himself, Mr. LEAHY, Mr. LAUTENBERG, Mrs. GILLIBRAND, Mr. MENENDEZ, Mr. SANDERS, and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 66, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003;

which was ordered to lie on the table; as follows:

On page 10, line 14, strike “\$100,000,000” and insert “\$1,000,000,000”.

SA 621. Mr. PAUL proposed an amendment to the bill H.R. 2887, to provide an extension of surface and air transportation programs, and for other purposes; as follows:

On page 38, line 24, strike “(d)” and insert the following:

(d) **LIMITATION ON HIGHWAY TRUST FUND EXPENDITURES.**—Notwithstanding any other provision of law, the amount authorized to be expended or transferred during a fiscal year from the Highway Trust Fund, established under section 9503 of the Internal Revenue Code of 1986, may not exceed the amount appropriated, transferred, or otherwise made available to the Highway Trust Fund during such fiscal year, based on estimates made by the Congressional Budget Office.

(e)

SA 622. Mr. PAUL proposed an amendment to the bill H.R. 2887, to provide an extension of surface and air transportation programs, and for other purposes; as follows:

At the end of title II, add the following:

SEC. 210. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL AVIATION ADMINISTRATION AT FISCAL YEAR 2008 LEVELS.

Notwithstanding the provisions of, or amendments made by, this title, or any other provision of law, there are authorized to be appropriated to the Federal Aviation Administration for the period beginning on September 17, 2011, and ending on January 31, 2012, for all purposes (other than for the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986) amounts not to exceed the amounts authorized to be appropriated to the Administration for the period beginning on September 17, 2007, and ending on January 31, 2008, for such purposes.

AUTHORITY FOR COMMITTEES TO MEET

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 September 15, 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 September 15, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Tax Reform Options: Promoting Retirement Security.”

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 Com-

mittee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, to conduct a hearing entitled “The Future of Employment for People with the Most Significant Disabilities” on September 15, 2011, at 10 a.m., in room 106 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 September 15, 2011, at 2:15 p.m., in room 628 of the Dirksen Senate Office Building, to conduct a hearing entitled “Tribal Transportation: Paving the Way for Jobs, Infrastructure, and Safety in Native Communities.”

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 September 15, 2011, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on September 15, 2011, at 10 a.m., to conduct a hearing entitled “Disaster Recovery: Evaluating the Role of America’s Small Business in Rebuilding Their Communities.”

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 September 15, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs’ Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on September 15, 2011, at 2:30 p.m., to conduct a hearing entitled, “Improving Financial Accountability at the Department of Defense.”

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 358; that the nomination be confirmed; the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate’s action and the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Wendy Ruth Sherman, of Maryland, to be an Under Secretary of State (Political Affairs).

Mr. INHOFE. Mr. President, I would like to inform the Chamber that I support the nomination of Wendy Sherman to be Under Secretary of State for Political Affairs. I had previously voted against her nomination earlier this week when it was brought before the Senate Foreign Relations Committee, but I have received information since that leads me to change my vote.

My good friend Senator ISAKSON of Georgia spoke to me about his 30-plus-year relationship with the Sherman family. Ms. Sherman’s mother, Miriam “Mimi” Sherman, started working for Northside Realty, Senator ISAKSON’s business based in Marietta, GA, in the late seventies and eighties. Mimi Sherman, who passed away in 2005, was a terrific person, and Senator ISAKSON was very happy to call her a close friend and fellow coworker. He also has known Wendy during this entire time and knows that she embodies the same qualities that her mother did. He is confident that she is qualified for the position and will do a great job at the State Department as Under Secretary of State for Political Affairs.

I have great respect for the wisdom and good judgment of my friend from Georgia. We both serve on the Africa Subcommittee, and as its ranking member, Senator ISAKSON always ensures that the views of his fellow Republican members are fully represented, even to the point of sharing his own speaking time at hearings with members like me who are passionate about bringing relief to the people on the African Continent. And when he expresses confidence in a particular person like Wendy Sherman, whom he has known personally for over three decades, that is good enough for me.

I support Ms. Sherman’s nomination to be Under Secretary of State for Political Affairs.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 269, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 269) designating the week beginning September 19, 2011, as "National Historically Black Colleges and Universities Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNET. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 269) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 269

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities allow talented and diverse students, many of whom represent underserved populations, to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 19, 2011, as "National Historically Black Colleges and Universities Week"; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

MEASURE READ THE FIRST TIME—H.R. 2587

Mr. BENNET. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 2587) to prohibit the National Labor Relations Board from ordering any

employer to close, relocate, or transfer employment under any circumstance.

Mr. BENNET. I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will have its second reading on the next legislative day.

ORDERS FOR FRIDAY, SEPTEMBER 16, 2011

Mr. BENNET. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Friday, September 16; 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, with Senators permitted to speak therein for up to 10 minutes each.

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

PROGRAM

Mr. BENNET. Mr. President, there will be no rollcall votes on Friday. The next rollcall vote will be Monday, September 19, at 5:30 p.m.

ORDER FOR ADJOURNMENT

Mr. BENNET. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order, following the remarks of Senator WHITEHOUSE.

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

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

COSTS OF HEALTH CARE

Mr. WHITEHOUSE. Mr. President, we all traveled over to the House Chamber a few days ago to hear President Obama present his jobs plan, a jobs plan for which I intend to support and fight. But during the course of that speech, we also heard the President indicate that he was going to come and make some recommendations to the Senate and to the House regarding our debt and deficit strategy.

I come to the floor today to urge the White House, in dealing with our debt and our deficit issues, to pursue a strategy for cost reduction in our health care system that does not rely on harmful cuts to our seniors' Medicare benefits. I cannot tell you how important this is in Rhode Island where we have a significant senior population. Many of our seniors are low income. The average Social Security benefit is around \$13,000 to \$14,000.

Some of the ideas that have been floated in this body—more than just

floated; they have actually passed the Congress, the House of Representatives—would be devastating to Rhode Island seniors: an end to Medicare in 10 years; \$6,000 in increased costs to each senior, on average, per year, hidden in what the Republicans like to call their cut, cap and balance plan, with an even worse attack on Medicare and on Medicare beneficiaries than was in the House budget that passed, which was a bad enough attack on its own. That simply is more than seniors in Rhode Island can manage. It is not fair; it is not right. And, most importantly it is not necessary.

I do concede that rising health care spending has placed a lot of stress on our national budget. In the joint session of Congress in September 2009, President Obama himself said: Put simply, our health care problem is our deficit problem. Nothing else even comes close.

If you go to the other side of the political spectrum and to the other Chamber of Congress, Congressman RYAN said: Our debt and deficit problem is, at its core, a health care problem. I agree with that. We need to address it. The question is how.

The fundamental fact that so many of our colleagues overlook in their urgency to attack Medicare—a program that Republicans have been against from its very founding and that the renewed tea party assault on Medicare has revived—has misled the debate, because the cost problem in Medicare is not a problem that is unique to Medicare. Wherever you look in the American health care system, costs are exploding. They are going up in Medicare probably at a lower rate than other quadrants of the health care sector, but they are going up. They are going up in Medicaid. States are having trouble dealing with that burden. They are going up in TRICARE and in veterans' care. Indeed, Secretary Gates said: Health care costs are eating the Defense Department alive. Eating the Defense Department alive, health care costs are. And if you are in private insurance, whether it is Kaiser or United or Blue Cross, pick your insurer, the costs are going up dramatically. Our own hospitals in Rhode Island, which provide health care, are watching their health care costs accelerate at significant rates far above a multiple of our rate of inflation.

This problem of rising health care costs is creating real strain. It is not just creating strain on the Federal budget—granted, it is creating strain in the Federal budget—but it is also creating incredible stress on seniors, on small business owners who can't afford health insurance for themselves, or have to whittle away at the health insurance their employees have in order to keep it affordable, or have to give it up entirely as they face the stresses of this economic downturn.

As the Presiding Officer, the senior Senator from Colorado, knows because

his, like Rhode Island, is a small business State. When you are a small business, your employees are pretty darned close to family. When you have to whittle away at their health care benefits, when you have to whittle away at what they get, when you have to raise their costs, that is a hard decision for that small business owner/manager to make.

It is tough on American families. It is tough on big businesses. It is tough on American big export companies. Our automobile industry, the tractor manufacturers, the road building equipment manufacturers, the folks who build big American products that we export overseas, we build enormous amounts of health care costs into those products. It has been estimated that nearly \$2,000 in health care costs goes into an American car. Well, the foreign car that competes in the international market with that American car comes out of a national health care system. So that health care cost isn't in the cost structure of the company that makes the car. And because they collected most of their taxes through a value-added tax, it doesn't even come in through the tax system, because the export products get out of those companies and into the international market without a tax burden. So there are our products, trying to compete overseas, with this weight of our health care system cost on them and it helps make America uncompetitive. So it is not just Medicare. It is everywhere in the American health care system. It is systemwide.

A couple of years back, when we were first discussing this issue and the White House held a couple of health care conferences, I was fortunate to be invited to those conferences. The President used a metaphor in discussing where we were in health care in those discussions. He used the discussion of us being headed for a cliff. If we didn't do something about our health care costs as a country, we were headed for a cliff.

Well, nothing has changed. We are still headed for that cliff, and the solution we have to find is to take the bus that we are all on and turn it before we get to the cliff.

It is not an adequate solution to simply throw seniors off the bus in order to lighten the Medicare cost load without doing what we need to do to change the direction of the American health care system to alleviate this cross-system, this economywide burden.

Fortunately, we gave President Obama tools to do this in the Affordable Care Act. We fought about all sorts of elements in the Affordable Care Act. We fought about the public option. We fought about universal coverage. There were imaginary claims raised that there were death panels in the health care bill. It was considered to be socialized medicine, the same phrase that was trotted out years ago to oppose Medicare. They brought that old stalwart phrase out again—totally false.

The only socialized medicine we have in this country is the kind we give our veterans, which is the very best quality care they are entitled to—what Bob Dole has said is the place we should look toward for health care reform. But that is a separate argument. But my point is there was a whole lot of phony controversy about that health care bill.

What was completely not discussed was that a huge chunk of that bill was dedicated to delivery system reform of the health care system, to turning the bus before we hit the cliff. There is a lot in there for the President to work with. There are literally dozens of programs and pilots to turn us in this new direction. I urge very strongly, as we address the government health care cost problem that we face, we look at it as a systemic problem, and we address it as a health care cost delivery system problem rather than pick out seniors, throw them off the bus, and keep it careening toward the cliff without changing its underlying direction. That would be, in medical parlance, a misdiagnosis of the illness and a mistreatment of it as a result, and fundamentally malpractice. But that is the direction we are being led, and I am here to urge us that we go in a different direction.

There is a lot to be gained. America's health care system is probably, wildly inefficient. We burn more than 18 percent of America's gross domestic product on our health care system every year—18 percent. To put that into context, the next most inefficient industrialized competitor that we deal with internationally runs at around 12 percent of gross domestic product. So here we are, the United States of America—the most innovative, the most technologically developed country in the world, a country that prides itself on efficiency, on common sense, on making smart decisions—and what are we doing? We are 50 percent more inefficient than the most inefficient other industrialized country in the world.

One would think that we would not be the most inefficient. One would certainly think we would not be the most inefficient by a margin of 50 percent over the second most inefficient country in the world. It just does not make any sense, but that is how bad it is. That is a pretty strong measure of how laden with excess costs our national health care system is.

For all of that, we do not get better outcomes. I wouldn't mind spending 50 percent more than Switzerland or France or any other country if we got 50 percent better outcomes, if we lived 50 percent longer, if we were 50 percent healthier, if we had 50 percent better care, if we had 50 percent better maternal mortality in childbirth—but we do not. When we look at the measures of how we do for our people in the American health care system, we compare with countries such as Greece and Croatia. We are down in the thirties in the ranking if you look at most of the quality measures.

Incredibly overbloaded expenditure and at best moderate performance are the two prevailing characteristics of our health care system. That means there is a lot of ground to be gained.

It has been quantified by President Obama's own Council of Economic Advisers who estimated \$700 billion every year could be saved if we cleaned up the health care system and made it moderately efficient. We could save that \$700 billion without harming the quality of care for Americans.

That seems like a big number, but actually the New England Healthcare Institute says that number is \$850 billion a year. George Bush's Treasury Secretary, Secretary O'Neill, who knows a lot about this from his time as CEO of Alcoa and as the person leading the Pittsburgh Regional Health Initiative, combined with the Lewin Group, which is a very well regarded Washington institution that looks at health care issues and evaluates them, they both agree that the number is \$1 trillion a year that we could save without harming the experience or quality of care for the American consumer.

We tried to throw pretty much everything we could at this problem in the Affordable Care Act. A consultant to the administration, MIT Professor Jonathan Gruber, said about the Affordable Care Act and its delivery system reform component:

Everything is in here. I can't think of anything I would do that they are not doing in that bill.

We gave the administration literally everything they could want, everything they asked for. I had a group that met with me as we were designing the Affordable Care Act, people from unions, people from NGOs that work on health care issues, people from the business sector, people who are experts in this area—to say, What are we missing? What more could we put in to help get at this problem of excessive costs for moderate results?

By the time the bill came to the floor, this was the answer from my group: Nothing. We can't think of anything else. We tried. It is all in there. So I agreed with Professor Gruber's assessment.

What is the nature of what we did? It boils down to what I contend are five basic strategies. One is quality improvement. The quality of American medicine is not anywhere near as good as it should be. Anybody who was listening to me talk, who has had a loved one in their family seriously ill, ill for any length of time, or who has been seriously ill themselves, they know that from their own experience. They know of the lost records. They know of the confusion between multiple doctors who are treating them and not talking to them, maybe both prescribing medications that are contra-indicated with each other, but they don't know the other one is doing it. They know the experience of having to be your own navigator through this complex system. They know what a nightmare that

is. They know it. It is not a debatable proposition.

It also works out in some pretty identifiable data. Nearly one in every 20 hospitalized patients in the United States gets a hospital-acquired infection. A hospital-acquired infection should be a "never" event. If we apply the Pronovost principles and do things started in Michigan and are carried out around the country now, we can knock that down by about 90 percent, but still it is endemic.

Everybody knows somebody who has gone to a hospital for a procedure and came out with a hospital-acquired infection, often a life-threatening one. Just treating those infections costs about \$2.5 billion a year. They are completely avoidable.

That is just one element of the health care system. If we got after the quality gaps in our health care system, the savings would be far greater. So there is a lot to be gained in quality. That is one of the five.

The second is prevention. We do not analyze and evaluate and implement prevention strategies very well as a country. We don't even evaluate effectively what prevention methods save enough money in the long run that we should just pay for them for everybody because it saves money to have people do this. We don't differentiate between what is probably a good idea for an individual to pay for and what is such a good idea and saves so much money that it should be part of the baseline of medical treatment that every American gets. It doesn't matter how sick they are, doesn't matter how old they are, doesn't matter how wealthy they are, doesn't matter where they live, they should be getting this prevention treatment because it saves all of us money.

We should be analyzing those things, proving them and putting that prevention strategy to work because the cheapest way to treat an illness is to prevent it in the first instance. The third is payment reform. We pay doctors more—the more they prescribe, the more tests they order, the more medications they order, the more procedures they direct, the more they get paid. It should come as no surprise that when you send that incentive out there into that particular marketplace, you get dramatic overuse, which has been quantified in study after study.

This bill, the Affordable Care Act, has pilots to start directing the payment for medical procedures and for medical care based on the outcomes so that its value is how well you get that dictates payment, not how much the doctor does to you. That will be a paradigm shift in health care. You have to get it right. It is not easy to do. It is going to take some doing, but it is vitally important. That is the third part.

The fourth is administrative simplification, in particular, administrative simplification in the area of the warfare that currently exists between health insurance companies and hos-

pitals and doctors. Ask any hospital, ask any doctor what it is like dealing with the insurance companies, trying to get paid for the services they deliver. They will tell you it is torture.

The last time I was at the Cranston Community Health Center in Rhode Island, they told me half of their personnel are dedicated to trying to get paid. The other half do the health care work. Half of their personnel are dedicated to trying get paid. And they have a \$200,000 a year contract with experts to try to help train the 50 percent of their personnel who are dedicated to trying to get paid in what the latest tricks are from the insurance industry so they can keep ahead of the game. Because it is an arm's race. Well, my guess is that about 10 percent of the health care dollar that goes through the insurance companies goes to delay and denial of payment. There is 10 cents right off the top, leaving only 90 cents for the rest of the health care equation.

The doctors and the hospitals have to fight back. They have to hire their own consultants and their own experts and their own billing companies. They are not as efficient. There are more of them. They are more spread out. It is not what they are expert at. It is harder for them to fight back. I think they pay more than 10 cents out of every dollar. You put the 2 together, that is 20 cents out of the health care dollar on the private insurance side that does not go to health care at all. It goes to fund the arms race between insurers and doctors over getting paid.

This year Health Affairs: Journal of Health Care Policy published a study that compared the administrative costs of physician practices in Ontario, Canada, and physician practices in the United States. It found if doctors in the United States could lower their administrative costs to match those of the Ontario physicians, the total savings would be approximately \$27.6 billion a year. The Ontario doctors have administrative costs, but they have a single-payer system and it is pretty easy to deal with. The \$27.6 billion is primarily fighting with the different insurance companies that all have different systems about claims and billing. There are big savings to be had by eliminating that unnecessary and expensive warfare that produces zero health care benefit to anybody.

The last piece, which is the structure for most of the rest of it, is a solid, strong health information technology infrastructure for this country. I can go to a bank anywhere in this country and I can take out my ATM card and access my checking account. I can find out what is in my savings account. I can do transactions. I can make deposits. However, if I step out of that ATM booth and get whacked by a taxicab and rushed to the emergency room, they have no idea what my health history is or what my health records are. We do not have a modern electronic health record in this country. We do

not have modern electronic infrastructure in this country.

When I started arguing about this a few years ago, I can remember *The Economist* magazine publishing an article that said the health care industry in America was the worst industry for the deployment of information technology of all of the American industries except one. The only industry that was behind the health care industry and the deployment of information technology was the mining industry. We have improved, thanks to President Obama and this administration putting a big investment in this area, but we have a long way to go because we were way behind the curve.

Those five things—quality improvement, serious investment and prevention where it saves money, payment reform so that the system has incentive to provide value rather than volume, knocking down the administrative overhead that drapes over this system and weighs it down, and a robust health information technology infrastructure, those are the five keys and almost every single one of the programs I referred to that is in the Affordable Care Act fits one of those principles.

Why are we not doing this? Why is this not a bigger part of the debate if it is \$700 billion to \$1 trillion a year, if the result is better care for Americans, fewer medical errors, more prevented illness, less nonsense and unnecessary care from their doctors in chasing the payment model of volume, less fighting with the insurance company over trying to get paid and a health information record that is yours, that is private, that is secure, that goes with you wherever you are?

There was a fellow in Rhode Island whose daughter was taken ill. She had a pretty serious condition. She was taken to the emergency room in Rhode Island, and they realized that this was bad. They needed specialty care, specialty machinery and treatment, and they had to rush to the specialty hospital in Massachusetts that could do the work on her she needed to save her life. So off they went. When they got there, they discovered that they had not brought her paper health records with her. They had to redo all the testing. They had to start from scratch. Seconds counted as they fought for this woman's life. Thankfully it all turned out fine, but it put her life at risk and it cost a fortune to redo all the tests. It made her recovery harder because a lot of time was wasted. Are you kidding me, a paper health record? But that is where we are.

All of this is win-win. Where is the pressure to do it? Well, there is a problem, and the problem is that it is not the kind of change that CBO—the people who guide our budget decisions around here—can score. I asked Alan Simpson from the Simpson-Bowles budget group during one of our Budget Committee hearings if he believed that reducing health care costs through delivery system reform is an important

part of addressing our debt and deficit problem. And he answered: What you are saying is exactly right. It is not, unfortunately, scoreable. That is why it is not in our report.

I get it. It is not scoreable. It is not in the report. We should not overlook these factors as we make these decisions on behalf of the American people because even if you cannot score how you get to that \$700 billion in savings or if the New England Health Care Institute is right, that \$850 billion, or if Bush Secretary O'Neill is right, that \$1 trillion a year in savings using methods that improve both our experience and quality of care needs to be a priority even if it is not scoreable.

Tomorrow I will send a letter to the President, which the Presiding Officer has been good enough to sign, along with a broad array of my colleagues who have agreed to cosign, which reiterates the case I make here tonight. The letter urges the President's attention to the potential of delivery system reform rather than Medicare benefit cuts for seniors. It should be our first priority to fix that overloaded 50 percent more inefficient than the most inefficient country in the world system, the one with \$700 billion or \$850 billion or \$1 trillion in annual savings that are possible. Fix that before you go to a senior who had no part in this, who cannot help but try to do their best, and say to them, we are taking away your benefit. That is not the way to proceed. That is the wrong way to proceed. It is morally wrong and it is wrong as a matter of policy.

Where I contend we are—and I will say this in closing—there is a movement and an industry emerging in the area of health care delivery system reform. It is strong in the private sector, whether we look at places such as Palmetto down the Carolina Coast; Geisinger in the Pennsylvania area; up in the Wisconsin area, Gundersen Lutheran; out toward Utah, the west, Inner Mountain; Mayo in Minnesota and Florida; or Kaiser, based in California. These are all major American health care delivery companies that have seen the potential delivery system reform. They are working hard to make it happen. They are committed to it, and they are getting results. We need to have their back. We need to support them as they do this.

But it is never going to be scorable because this is not a mathematical equation where we say: You are not getting this benefit. We are going to take away 20 percent of what you get. We are going to run it through the same nonsensical system that causes most of our cost problems and at the end we are going to say it is going to be 20 percent cheaper. It is easy to do the math that way, but it is a pretty cruel way, and it is lazy because we need to be in the middle fixing that piece.

But it is not arithmetically easy because where we are is like the early stages, I contend, of the airline indus-

try—I should say of the flight industry. What did we know when the Wright Brothers first put their flying machine into the air at Kitty Hawk? We knew a curved surface sped through the air, generated lift. We knew a whirling air screw generated propulsion, and we knew that if you twisted the ends of the wings, you could control the direction. Those principles haven't changed.

I just got back from Afghanistan and Pakistan. We flew for 14 hours from the Arabian Peninsula back to Dulles Airport. That plane had movies on it. It had food on it. Everybody was comfortable. It had air-conditioning. We landed a plane that was the size of probably the average small town in America at the time the Wright Brothers were flying and everybody on it felt perfectly safe and comfortable. It came down a tube of electronic decision support for those pilots so they knew exactly what was going on every moment. If you went back to the Wright Brothers, you could not score in the actuarial sense the progress that would lead us in less than a century from a rickety wooden canvas, manned kite, puffing down the beach at Kitty Hawk, to these sleek, computer-guided, miraculous aircraft that fly us in comfort around the world today. You could not do it. But that didn't mean we shouldn't bet on it. That didn't mean we shouldn't pursue it. That didn't mean it wouldn't make a huge difference in the quality of mankind's life to be able to have that technological lead.

So that is where we are. These five principles are a little bit beyond the Kitty Hawk stage perhaps but not by much. If we invest and if we get behind this, the day will come, and it will come soon, when the quality of health care each one of us receives—we will look back and we will think, what we are getting now, that was canvas and wood sticks. That was primitive. We will have personalized electronic health care. Companies will emerge to create applications so whatever illness you have, the very best treatment will be downloaded so you know what you should be doing, when, and it will be adjusted for your blood type and family history and gender, if it is a factor that makes a difference, and for your body mass. Whatever it is that is relevant to you getting the best treatment as an individual, that is the kind of stuff that will be available. We will aggregate the data about what is effective, and people who have far more brilliance than I will plow through all the data about America's health care experience and they will start learning things about what works and what doesn't, what two things we didn't notice are connected. We will start to find those anomalies or those associations, and that will open a whole new era of discovery and treatment. Between those new applications that will guide in a personalized way health care for Americans, based on their own data and based on the best available infor-

mation so your doctor is a little bit like that pilot landing the plane out of Dulles, making their own decisions, flying the plane directly but surrounded by that decision support that makes plane landings so safe—if your wheels aren't down, the alarms go off. If you get out of the glide slope, the alarms go off. If there are wind gusts on the field, the alarms go off. All that information and more is captured so the pilots can focus on flying the plane. That is the kind of support our doctors can have. That is the kind of support we can have. Those are American industries that will grow and emerge.

So we need to get behind this. I feel very strongly about this, as my colleagues can tell and as the four pages have had to wait and listen to me at this late hour can tell. But I say now it would be a shameful act on the part of the Congress of the United States if, with an opportunity like that in front of us, if with a compelling cost target, as we have from delivery system reform in front of us, and with the proven thesis that by getting there we actually improve the quality of care for people—we are not taking anything away; we are making their quality and experience of care better, which is a win-win-win. If we turn away from that win-win-win and instead take the easy, lazy way of throwing seniors off the bus and putting Medicare benefit cuts on them and let that bus just keep rocketing toward that cliff, that will be a moment that will merit the scorn of the American people and the shame of our own conscience because we will have done the wrong thing and we will have done it because it was the easy way out.

I urge the White House not to take that road and to instead redouble their efforts on delivery system reform, back Secretary Sebelius in what she is doing and Don Berwick in what he is doing and, most significantly, put a hard date and dollar metric out there so the world can evaluate how well the administration did. If this is as important as I think it is, if this is as important as the administration thinks it is by the work they have already dedicated to it, then they should be willing to set for themselves a date and dollar savings target to tell the country: By this date, we will save this many hundreds of billions of dollars a year through delivery system reform. If we don't, then it is murk, it is mush. There is no accountability to it. It is generally going in the right direction.

A young President many years ago had a similar opportunity. We were losing the space race to the Soviet Union. He could have said in his speech: I think it is time that we bent the curve of America's space program. I think it is time we bent the curve of America's space exploration. But he didn't. He said something much more specific. He said: Within a decade, the United States of America is going to put a man on the Moon and bring him home safely. If President John Fitzgerald

Kennedy had given that first speech, we would never have put a man on the Moon. The reason we put a man on the Moon is because when a President of the United States sets a hard target for the Government of the United States, that vast bureaucracy moves to achieve that purpose. If the President of the United States denies that vast bureaucracy, the clarity of that purpose does not give a specific measurable goal, and it makes that goal far less likely to achieve.

So not only do I ask the White House to turn away from Medicare benefit cuts and redouble their efforts on delivery system reform, I ask them to decide how much they are going to save, and by when, and let us know so we can evaluate their success in meeting that goal. I promise them every support in reaching that goal.

I thank the Presiding Officer for his patience and yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 8:07 p.m., adjourned until Friday, September 16, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

RONALD LEE BUCH, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS, VICE DAVID LARO, TERM EXPIRED.

DEPARTMENT OF THE TREASURY

ALASTAIR M. FITZPAYNE, OF MARYLAND, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY, VICE KIM N. WALLACE.

DEPARTMENT OF DEFENSE

BRAD CARSON, OF OKLAHOMA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY, VICE BENEDICT S. COHEN, RESIGNED.

THE JUDICIARY

KEVIN A. OHLSON, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW, VICE ANDREW S. EFFRON, TERM EXPIRING.

FOREIGN SERVICE

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JIM W. SCHNAIBLE, OF VIRGINIA
DANIEL J. WEBBER, OF WASHINGTON

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ROBERT DONOVAN, JR., OF THE DISTRICT OF COLUMBIA
PETER FOWLER, OF THE DISTRICT OF COLUMBIA
ALBERT KEYACK, OF VIRGINIA
BARBARA LAPINI, OF VIRGINIA
LINDA MINSKER, OF THE DISTRICT OF COLUMBIA
BRENDA VANHORN, OF VIRGINIA

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C. SECTION 271:

To be rear admiral (lower half)

CAPTAIN MARK E. BUTT
CAPTAIN LINDA L. FAGAN
CAPTAIN THOMAS W. JONES
CAPTAIN STEVEN D. POULIN
CAPTAIN JAMES E. RENDON
CAPTAIN JOSEPH A. SERVIDIO

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

KELLY A. CRICKS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DAMIAN G. MCCABE

THE FOLLOWING NAMED OFFICER IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

JOHN R. PENDERGRASS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT D. BLACK
GEORGETTE GOONAN
TRUDY A. SALERNO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAMES A. CHRISTENSEN
CHRISTOPHER J. DEMEULENAERE
FORD D. PAULSON
KATHLEEN A. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MATTHEW J. CONDE
RAYMOND FEELEY
MICHAEL E. GAFNEY
DANE S. HARDEN
GARY J. MCKAY
OWEN F. MUELLER
VICTOR M. PALOMARES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LEE A. ADAMS
ROXANNE M. ARNDT
BEVERLY A. BLAIR
PATRICIA M. BRIGHAM
NANCY A. CANTRELL

DIANE L. CASSELL
 MARY A. COLBERG
 VALERIE COLEMAN
 JOHN N. ELZIE
 SUSAN M. FITZGERALD
 NANCY P. GRIEGO
 GARY J. GROSSI
 GLORIA HARRIS
 LAVONNA J. HEATH
 DIANNE JACKSON
 CINDY B. KATZ
 TRISHA E. KILIAN
 SHERRIE L. LAKES
 KATHRYN A. MARTIN
 JAMES D. MELSON
 CATHLEEN M. NELSON
 DARLENE M. NICHOLS
 SUSAN M. PALMER
 BARBARA J. PILAK
 MARILYN E. RICHMONDJOHNSON
 JOAN M. RUTTLEKING
 JOY A. SAARI
 ROBERT T. SHORT
 JAN L. SHRINER

CAROL STPIERRE
 JODENE M. STRONG
 PATRICIA L. TENHAAF
 CHRISTIAN L. TOLLIVER
 MARK A. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE RESERVE OF THE
 ARMY UNDER TITLE 10, U.S.C. SECTION 12203:

To be colonel

KATHIE S. CLARK
 RONALD D. EARDLEY
 NANCY L. MCLAUGHLIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE RESERVE OF THE
 ARMY UNDER TITLE 10, U.S.C. SECTION 12203:

To be colonel

LYNN R. GAYLORD
 SIERRA A. GOWER
 NATALIE R. HIGHLEY
 CAROLYN A. HUNT
 MARION J. JARRETT

ELENOR G. JESSEN
 DOROTHY JOHNSON
 VICKI L. NOLIN

THE FOLLOWING NAMED OFFICERS IN THE GRADE IN-
 DICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C.,
 SECTION 531:

To be major

NATHAN W. BLACK
 GREGORY L. CATO
 TROY G. DANDERSON

CONFIRMATION

Executive nomination confirmed by
 the Senate September 15, 2011:

DEPARTMENT OF STATE

WENDY RUTH SHERMAN, OF MARYLAND, TO BE AN
 UNDER SECRETARY OF STATE (POLITICAL AFFAIRS).