



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157

WASHINGTON, MONDAY, MAY 16, 2011

No. 67

House of Representatives

The House was not in session today. Its next meeting will be held on Monday, May 23, 2011, at 2 p.m.

Senate

MONDAY, MAY 16, 2011

The Senate met at 2 p.m. and was called to order by the Honorable JOE MANCHIN III, a Senator from the State of West Virginia.

PRAYER

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

Let us pray.

Almighty God, You are supreme over all the nations. With loyalty and love, You continue to guide us.

As our Senators deal with today's challenges, unite them in the common task of doing what is best for our Nation and world. May they see they can accomplish far more working together than they can by embracing disunity. When they are tempted to doubt, steady their faith. When they do not know what to do, give them a wisdom that can change and shape our times according to Your plan. Empower them to trust You more fully, to live for You more completely, and to serve You more willingly.

We pray in Your majestic Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOE MANCHIN III, 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 16, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOE MANCHIN III, a Senator from the State of West Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will be in a period of morning business for debate only until 5 p.m. today. There will be no votes today. The first rolcall vote of the week will be around noon tomorrow on the confirmation of Susan Carney of Connecticut to be U.S. Circuit Judge for the Second Circuit.

MEASURES PLACED ON THE CALENDAR—H.R. 1229 AND S. 990

Mr. REID. Mr. President, I am told there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for the second time.

The legislative clerk read as follows:

A bill (H.R. 1229) to amend the Outer Continental Shelf Lands Act to facilitate the safe and timely production of American energy resources from the Gulf of Mexico, to require the Secretary of the Interior to conduct certain offshore oil and gas lease sales, and for other purposes.

A bill (S. 990) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

Mr. REID. Mr. President, I would object to any further proceedings with respect to these two bills.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bills will be placed on the calendar.

CHOICE TO BE MADE

Mr. REID. Mr. President, imagine there is a choice for Congress to make. Here is the choice. There are two doors. We are standing before both of them, but we have to pick one of the doors. Behind door No. 1 is a choice that the Chairman of the Federal Reserve calls "catastrophic." The Secretary of the Treasury says if we open that same door, it could lead to a financial crisis "more severe than the crisis from which we are only now starting to recover." Let me repeat that, Mr. President. Chairman Bernanke says that opening that door would be "catastrophic." Secretary Geithner says it would lead to a financial crisis "more severe than the crisis from which we

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



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are only now starting to recover." The majority of the American people we represent say opening that door would be "disastrous"—not just a bad idea, not one that would lead to discomfort, but one that would lead to disaster. It would not be just irresponsible to make that choice; we would be out of our minds.

Well, we are going to have to make up our minds and do that sooner rather than later. That is because today America has hit a milestone, but it is not one anyone is celebrating. Today is the day we hit our debt limit, which means we have reached the maximum amount the United States is allowed to borrow. It means that with each passing day, we are that much closer to the disaster that would come from defaulting on our debts—the day we would forfeit, for the first time ever in the history of this great county, the full faith and credit of the United States. This is the crisis Chairman Bernanke called "catastrophic," what Secretary Geithner warned 10 times over would make the great recession look small, and what the American people demand we avoid.

Defaulting on our obligations would be unprecedented, but it is not unavoidable. We can be responsible leaders and choose to open the other door. It might not be ideal, but we have to make a choice. Door No. 2 is a much better, safer, and smarter choice.

Let's be clear about what the debt limit does and does not mean. Raising the debt limit when it is absolutely necessary—and to do it right now—lets us pay the bills that have already come due. We borrow a lot of money in this country. That is not a new phenomenon or unique to one party; it is how America has done business for centuries. Borrowing a lot of money means we owe a lot of money. We cannot cut off our own ability to pay those debts.

Here is what it does not mean. The emergency we enter today is not about a penny of new spending. It is not about new programs or new taxes. It is not about creating new obligations, only meeting existing ones. The debt limit is about paying what we already owe.

If we do not act, if we allow the United States to default, the day of reckoning will be much, much worse than today. Things will be much, much worse for American jobs, families, and businesses than they already are. And the fallout will be felt around the world.

Right now, a lot of people are reaching for that first door—the one that leads to catastrophe and crisis. They are looking at this choice through a political lens, not an economic lens, and they are willing to risk the strength of our economy just to make a political point. We cannot afford to play these political games and trigger a default crisis that would lead to a catastrophe. We cannot afford to make unrealistic demands or hold hostage policies that affect real people. Speak-

er BOEHNER recently asked that everyone should act as an adult and reach a solution. I second that request. Let's open the second door and honor our obligations.

Once we avert this crisis, we can have another important adult conversation—a conversation about saving. One good way to do that—not the only way but a good, easy, obvious way—is to cut wasteful spending. Taxpayer giveaways to companies pulling in record profits is the epitome of wasteful spending. We all know which companies I am talking about—the five biggest oil and gas companies. It is time to make sure we take away incentives they do not need and we cannot afford. They can afford it. We cannot afford to give it to them.

That is a question that will come before the Senate this week. It is a question of fairness, really. The bonus checks taxpayers are writing to Big Oil are absurd and obscene. They defy common sense.

The big oil companies, we know, are not hurting. It does not need a hand, Big Oil. In the first 3 months of this year, the oil industry made \$36 billion in profits alone—not revenues, profits. That is \$12 billion a month. That is \$3 billion a week. It is pretty good money. Meanwhile, the American taxpayer is giving those same successful companies \$4 billion a year. So when you take these companies' profits and add in the handout you, I, and every taxpayer gives them, America is saying to Big Oil: You make \$3 billion a week for 52 weeks, and we will basically give you a 53rd week for free.

Well, what about the average American taxpayer, the one who is footing the bill for this Big Oil bonus? ExxonMobil now pays a smaller share of its income in taxes than the average taxpayer. This is not because the average American is paying more in taxes; it is because Big Oil is paying less.

Over the last 4 years, since Democrats have controlled the Senate, we have cut taxes for middle-class families nine different times. The Democratic Senate has passed a \$1.5 trillion tax cut in different ways. Again, the Democratic Senate has passed a \$1.5 trillion tax cut. And now families pay less in Federal taxes as a share of the economy than since 1950, when Harry Truman was President.

So this really is a question of fairness. It is about Big Oil paying its fair share. It is also a question of priorities. The people who want to keep giving Big Oil \$4 billion a year are the same ones who want to take the social safety net away from the sick, seniors, and the poor. These people kick and scream about investing in cancer research or protecting student loans that help so many afford the rising costs of college, but ask them to recognize the absurdity of giving Big Oil taxpayer money they do not need and they cover their eyes and plug their ears. Ask them to defend it, and they cannot.

That is what happened last week. The Nation watched the Big Oil bosses

try to defend it. Frankly, they did not do a very good job. It is not their fault for doing so poorly—they were trying to defend an indefensible position. But it is their fault for holding that position.

So this is a question of fairness and a question of priorities. It certainly is a question of economics. But it is not a question of gas prices. Independent, nonpartisan experts—and even some of the CEOs themselves—say taking away these giveaways does not have a thing to do with the price at the pump. Anyone who claims otherwise is simply not telling the truth.

Those distractions are disruptive to this debate. So are the gratuitous attacks on the patriotism of the debaters. One of those companies, ConocoPhillips, said using taxpayer money to pay down the deficit rather than pad Big Oil's pockets was "un-American." It is hard to comprehend that, Mr. President. ConocoPhillips said using taxpayer money to pay down the deficit rather than pad Big Oil's pockets was "un-American." That is ConocoPhillips' word, not mine. Attacking another's patriotism has no place in this debate. It is offensive that this company has done that; that is, saying that because we want to pay down the debt and not give these bonuses to these big oil companies is un-American? I do not think so. It is offensive that this company has done that and shameful that its CEO, whom we saw on TV this past week, refuses to recant or to apologize. I disagree strongly with his position on this issue. I disagree with his claim that only one side of this debate loves this country. I question his sense of fairness. I question his priorities. But I do not question his patriotism. He should not question mine.

Would the Chair announce morning business.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. COONS). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for debate only until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE DEBT

Mr. BOOZMAN. Mr. President, when word spread that American forces

found and killed Osama bin Laden, Americans gathered at Ground Zero, in New York's Times Square and in front of the White House to celebrate the news. For more than a decade bin Laden had been on the FBI's top ten most wanted list, and the announcement that our military conducted the successful operation in Pakistan filled us with national pride.

After nearly 3,000 Americans died in the September 11 attacks, bin Laden, the plot's mastermind, was named public enemy No. 1. The years following that tragic day, he eluded capture. Justice finally caught up with him, as a result of years of hard work and dedication from the brave men and women in our military and intelligence community. The death of Osama bin Laden allows us to close this chapter of the global war on terror, but it does not mean the end of the threat from al-Qaida or other like-minded organizations. We must remain vigilant, both at home and abroad, in the fight against terrorism.

The fact is, terrorism is not the only major threat to our sovereignty. There is one that lurks much closer to home, born and bred right here in this town. I am speaking about Washington's addiction to spending.

In testimony before Congress, Joint Chiefs of Staff Admiral Mike Mullen said the greatest threat to our sovereignty is not Iran; not al-Qaida; not radical Islam—it is our national debt. Most people don't think of spending in terms of a threat to our sovereignty; and those who do are rarely so blunt. But Admiral Mullen is right. We simply cannot continue to operate at this pace.

This year alone, the Federal Government will spend \$3.7 trillion while only collecting \$2.2 trillion. Does this sound like responsible budgeting to anyone? The average American family does not have this luxury. If you or I tried to run our household this way, the bank would eventually cut us off. It is time we apply that lesson to Washington. It is time we cut off the government.

This is long overdue. Our national debt stands at a jaw-dropping \$14.3 trillion. Foreign holdings account for almost half of these obligations, and much of that is owed to countries that are not always friendly to us. This is the very reason Admiral Mullen sounded the alarm on how big of a security threat our debt has become. Being indebted to countries with ideals, value systems and agendas that are often at odds with ours puts us in a very precarious position.

For example, China owns \$1.2 trillion of our debt. The Chinese Government contends that it won't use this liability for political advantage, but the government also claims there are no human rights violations in that country. Clearly, the Chinese Government's word is not a promise we should bank on.

Along with the Chinese, a portion of the list of foreign creditors reads like a

"who's who" of dictatorial regimes. Iran, Venezuela, Libya make up the rouges gallery of nations that owns some of our debt. These dictatorships, along with other oil exporting nations such as Saudi Arabia—whose role in spreading radical Islam is well documented—come in at No. 4 on the list of foreign creditors. We are currently engaged in an operation with our NATO allies against Qadhafi's regime, yet rely on it in part, no matter how small, to keep our government operational.

This is the problem with our reckless spending. We cannot put ourselves at the mercy of foreign governments. It is irresponsible and dangerous. We must act now to get our spending under control and pay down our debt.

We cannot run a country on a Visa card; nor can we keep kicking the can down the road for future generations to address. Our debt is a national security problem, and this one our brave men and women in uniform cannot save us from. It is up to us to make the tough decisions to get our economic house in order and the time is now to act.

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

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

OIL AND GAS SUBSIDIES

Mr. LEVIN. Mr. President, the subsidies to oil and gas companies in the form of tax breaks cost the Federal Government in the neighborhood of \$4 billion a year. What most Democrats, including this Democrat, propose to do is to end those subsidies and to use the money to reduce our Federal budget deficit. This is not a particularly complicated issue.

If oil and gas companies were struggling, if a large number of jobs were at risk, if ending these subsidies threatened to increase the price families have to pay for gasoline or fuel oil or if ending them would create a drag on our fragile economic recovery—if any of those things were true, this might be a closer call. But they are not true. We are subsidizing massively profitable oil companies. Nearly every independent analyst—and even some from the oil industry itself—tells us this proposal will not alter the economic fundamentals that determine gasoline prices. Oil production, and therefore the jobs it creates, will not decline if we pass this bill. Struggling families and small businesses will not pay more because we end these subsidies. And by ending them, we can help close a budget deficit we all agree is a significant problem.

The arguments against this measure are misguided. Republicans have claimed it would increase gas prices. Independent economists disagree. For

instance, the nonpartisan Congressional Research Service reported last week that:

Prices are well in excess of costs and a small increase in taxes would therefore be less likely to reduce oil output and hence increase petroleum product gasoline prices.

Even the chief tax expert of the American Petroleum Institute said last week that the proposal:

... would not affect the global economics underpinning oil supply and demand, which explain today's gasoline prices.

That is an important point to keep in mind. The price of oil depends on a number of factors, one of which is supply and demand for this internationally traded commodity. Another factor, one which I and several other Senators believe bears further examination, is the role of speculation in that market. But the money we are talking about saving is relatively small in the context of a massive global marketplace for oil.

It is also small relative to the profits oil companies have reaped. The five companies that would be affected by the proposal we support made a combined \$76 billion in profit in 2010. That is not revenue; that is not sales; that is profit—\$76 billion. From 2001 to 2010, their combined profit approached \$1 trillion. With the price of oil in the neighborhood of \$100 a barrel, these record profits are likely to continue. These companies do not need taxpayer assistance.

At the same time, the money we spend helping them is increasing the budget deficit—a deficit our Republican friends say justifies making dramatic reductions in health care for our seniors, support for our college students, Head Start for our youngest students, and other Draconian cuts. Yet tax breaks for companies making billions of dollars a year in profits is something they say we can afford. I don't buy it.

More importantly, the American people don't buy it. The American people know these tax breaks we can't afford for companies that can more than afford to lose them are wrong. They know if we are going to get serious about our debt problem, we need to eliminate tax expenditures that contribute to our deficit. They know if we can't tackle such an obvious example of wasteful spending as this, further reform is unlikely. The American people recognize the fundamental unfairness of tax breaks for oil companies making billions in profits at the same time working families are told they will have to do with less.

Last week, with the CEOs of major oil companies testifying before the Finance Committee, they said they want to be treated like everybody else. I say, fine, let's do that. Let's tell the massively profitable oil companies not to expect tax subsidies from Uncle Sam. Let's expect those companies to give a little bit as we address the budget deficit, just as middle-class American

families are going to have to give a little bit as we cut back on important programs for them.

Our Republican colleagues say our deficits are unsustainable, and I agree. They say the deficit problem is urgent, and I agree. They say we must act, and I agree. And we can act. We can end these oil company subsidies. Now is the time for all of us to act to end billions of dollars in handouts to massively profitable oil companies and use that money to help put our fiscal house in order.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

DEBT LIMIT

Mr. COATS. Mr. President, I appreciate the remarks of my colleague, Senator LEVIN. I just caught the tail end, but it is a good segue into what I wish to speak about today.

Today is May 16, an important day for me, because it happens to be my birthday, although I am not anxious to have any more birthdays and it is no big deal. This day is more important because this is the day that Treasury Secretary Geithner said we have reached the debt limit ceiling.

I read from this missive that came out a little bit ago:

Treasury Secretary Timothy Geithner announced on Monday morning that the Federal Government had met its statutory borrowing limit of \$14.294 trillion cap.

This is the day we have been talking about for a long time. In fact, this day had been advertised as the likely date on which the United States would hit the debt limit.

Here we are with an empty floor on a Monday and people are saying, Whoa, shouldn't you guys have been in every night last week and all weekend to avert hitting this limit, because doesn't this mean we have to default on our debt? Well, as the article goes on to report:

Treasury will now begin a series of "extraordinary" measures designed to stave off a potential government default.

Treasury has been able to move some money around so that now we won't reach that magic date until August 2.

Is this good news or bad news? Well, it is maybe good from the standpoint that we may have avoided a catastrophic situation today, but it simply postpones the date of the inevitable. What I fear is that it simply gives us more time to avoid getting engaged in dealing with what is arguably one of the largest crises in American history, particularly in American financial history. So when we look at what has been transpiring over the last several years, as all of us have watched with alarm, our debt limit continues to climb at an unprecedented rate and there has been not nearly enough debate and engagement on how we should address this. I know the last several months have been filled with proposals and plans and dire predictions. The last year—

2010, an election year—certainly aroused the interests of the American people, when I think for the first time the reality became clear on what the increase in the debt and the deficits is doing to our country's financial health.

I have this chart here on the left which shows total U.S. debt and statutory debt limit from the years 1941 to 2011. In December 1941, we were engaged in World War II. We see a small little spike here in terms of the debt limit. That is understandable, because we were in a crisis situation and we had to put all of our efforts and expenditures into production to address the war needs. But as we can see, from 1941 all the way through to 1981, we moved along at a fairly low level of increase in debt and finally hit the \$1 trillion mark in 1981. So for more than 200 years in the history of this country, we ran this country without going more than \$1 trillion in debt. That is enough as it is. But I remember at the time, in 1981, people were saying, How could this be possible? How could we possibly reach this limit, \$1 trillion? We can hardly comprehend it.

The sad news is that since 1981 we have been on a steady incline of debt, which has accelerated dramatically in the last few years. Today—May 16, 2011—we have hit a total of nearly \$14.3 trillion in debt. This line continues off this chart and goes much higher as we project forward the spending, much of which is occurring because of mandatory spending put in place for programs that were locked in and it is obligatory spending on the part of the Federal Government. Of course, as we go forward, the interest rate on our debt increases and the amount we pay each year increases. So we find ourselves in a spiral, a downward spiral of debt that seems to have no end.

This is no surprise to most people because there has been focus on this all across America over the last couple years. Throughout this period of time, people have had to stretch their own dollars at home in order to make ends meet. Businesses have had to make significant changes in the way they do business in order to make ends meet. State governments have found they are deeply in debt and have had to take some dramatic measures. But it is only now that the Federal Government is starting to look seriously at what we need to do.

All throughout the year 2010, with no budget in place, Congress continued to spend. But I am not here to place blame on any one individual or any one group. I am simply here to point out the fact that we have a serious crisis at hand and it deserves serious debate and a serious solution or we are going to find our country in very difficult straits.

From this point forward, as shown on the chart, Congress has been run by Democrats and Republicans. The Presidency has been held by Democrats and Republicans. So we can go back and say: Well, who is responsible for this

and who is responsible for that and what about here and what about there? That is a wasted effort at this particular point in time. This is the situation we face, and this is the situation with which we must address.

I regret that the Senate, to date—other than activities such as Senator LEVIN was engaged in, I am engaged in; that is, coming to the floor at a time when the issue is not before us in terms of seeking a resolution but simply stating the facts and urging us to move forward—I regret that this year we have spent a total of only 4 hours and 20 minutes of actual debate on the spending. Instead, we have been tied up for weeks on not trivial but far less serious measures: confirming some judges to district and appellate court positions, dealing with the Federal Aviation Administration reauthorization bill, which took several weeks. Now we have been stuck on the small business authorization bill for several weeks, injecting here and there in some debate and some talk and discussion about the deficit but no real focus on that.

If we do not set aside the less important and begin to focus on what we need to do, we are going to quickly find ourselves into the month of July careening toward an August 2 deadline, during which time the uncertainty that exists in the investment community and in the business community and in households, in terms of spending and what the future might bring—all that continues.

What the world is waiting for, and what the world is watching and hoping and praying for, is that the Congress and the executive branch will work together to seek a solution to this problem that will bring reassurance to the investment world and bring confidence to our population that we have gotten serious and we are going to do something about this.

None of us believe this is going to be easy. None of us believe this is going to be painless. But we simply cannot postpone the debate that needs to take place, not only in this Chamber and in the House of Representatives but between the House and the Senate and the White House.

Some conversations have already started in that regard but also across the Nation. This is a debate that has to come before the American people because they are going to be the ones who are going to bear the brunt of whatever cuts and whatever solutions need to take place in order to put us on the right fiscal track.

If I have learned anything in discussions outside this Chamber with people who have studied and analyzed and looked at this issue, it is that several things must take place, and they must take place immediately. A host of people who have spent their lives understanding the dynamics of the financial system—understanding the consequences of debt as a percentage of gross national product, understanding the consequences of how a nation rises

to this level of debt, the consequences of that to its people and to its financial future and its stature in the world and its ability to do the many wonderful things the United States has been able to do, to lead the world in so many different areas—all this is in jeopardy if we do not address this issue.

What they are saying, if I could bring that into just some basic conclusions, is, No. 1, this crisis is real. All you have to do is look at this chart I have in the Chamber to understand this crisis is real. Here is where we were in World War II when we were having to go into debt, which we thought was serious at the time. But look at what has happened in just the last 30 years.

So the crisis is real. As measured by historical analysis of nations that have faced these kinds of situations before, the consequences are always dire. Therefore, No. 1—and I was glad to hear my Democratic colleague acknowledge this is the case because this is something both sides of the aisle are going to have to deal with—both sides have to recognize that, No. 1, the crisis is real and it is now.

The second conclusion, based on what the experts are saying, is that we have to act now, not later. This is not something we can postpone. For years and years and years, as this line has gone forward, as shown on this chart, Congress has said: We'll get to that. Presidents have also said: We need to address our debt, but only after the next election.

Well, there is always a next election. Now the latest thing we hear is: Well, we need to take care of that after the 2012 election. We will put it before the American people in terms of which way they want to go.

The American people spoke very loudly and clearly in 2010. If that was not a wake-up call politically, I do not know what will be. But, nevertheless, falling into the trap of simply saying that waiting until after the next election we might be in a better position to deal with it then simply postpones the inevitable and potentially brings about a crisis which will occur before the election in 2012.

It is shameless to put before the American people that the political situation is such that we are not willing to address this now and, therefore, we are putting their lives, their futures, their children's futures, and their children's children's futures in jeopardy, while we place a higher priority on the political outcome of 2012 rather than on what we were elected to do in 2010 and years before.

No. 1, the crisis is real. No. 2, we have to act now without delay. No. 3, many experts have advised that, if we do something, it needs to be a comprehensive plan that includes all aspects of Federal spending. We need to talk about the discretionary part of our budget, which we vote on every year, although in the last couple of years we have not even passed a budget. Last year, we failed to pass a single appro-

priations bill. Instead, we have had continuing resolutions and supplemental spending bills, which is not what we were elected to do and not a good way to govern. But we have to address that portion of the budget.

When addressing a long-term economic plan, we cannot exempt major sectors of our budget such as interest and defense and mandatory spending and we must include entitlements. That is No. 4, many experts say. If you do not have a comprehensive plan that includes everything, then the burden falls on a disproportionate share of discretionary spending that undermines essential programs the government ought to be engaged in.

We cannot get from here to there without including all aspects of the budget, including comprehensive tax reform. That is another thing these experts have said. Many say the comprehensive plan must include some basis on which we move forward with tax reform.

Senator WYDEN and I have cosponsored a bipartisan bill for that very effort. We are not saying it is the perfect bill. We are saying it is something in place with which we could start on and address comprehensive tax reform, to broaden the base and generate more revenue from the economic growth that comes with lowering taxes and reforming the tax code.

Entitlements are a must. That is what these people have said. You cannot get from where we are now to where we need to be unless we include Medicare, Medicaid, and Social Security reforms. We all know there are structural problems, given the massive move into retirement age of the baby boom population of this country. We all know these programs are teetering on the edge. There was a report from the trustees of Medicare last week saying they are moving up 5 years when Medicare runs out of money in order to pay for benefits that are promised under that program.

We all know there are some relatively painless solutions the earlier we start, in terms of adjusting the retirement age, in terms of adjusting some formulas, and making some of the changes that have been proposed that we are talking about. But if we do not include that entitlement spending in our discussions, we are not going to be able to reach a successful conclusion.

Another principle they have listed is that we have to make this for the long term and we have to lock it in. We have to guarantee the promises we make and the commitments we make, as we address this problem of how much to cut and how to change the Tax Code and how to work through the revenue side of this effort. They have to be locked in place and guaranteed, hopefully, with the passage of a constitutional amendment to balance the budget.

We failed twice in the 1990s in this Senate to pass a constitutional amend-

ment to send to the States for ratification. It failed by one vote on two occasions. I wonder what would have happened had we passed that. No, I do not wonder. I know what would have happened. We would have been forced to make the decision at this point, as shown on the chart, which would have brought us back to here instead of now having to go from this point on the chart all the way down—a much more painful process than had we passed that amendment then.

So what we want to avoid, when we are forced to do this—and it is going to happen; we have to do it—we need to lock that in on a path that will bring us back to fiscal parity and balanced budgets and then lock it in with a constitutional amendment. It cannot be done in 1 year. That is why the other principle is that this has to be a long-term process in getting us from where we are to where we need to go, and then we need to stay with it. We cannot just pass it for 2 years, elect a new Congress and come in and make these changes.

If we move forward, and if we can come together to find a rational solution to this, it will send—this is the last point the experts have said—it will send a tremendous signal around the world to all those investors who have always looked to the United States as the safe-haven, last-resort place to put their money. The dollar will be rescued from falling against other currencies. It will continue to be seen as the world's currency. Confidence in the United States as a safe place to put your money will be restored in nations around the world. The American people will have a tremendous psychological sense of relief and assurance that we are finally getting serious about doing something about this crisis that faces us.

Lastly, what I would like to do is send a message to President Obama, the majority leader, my Republican and Democratic colleagues, the minority leader, and others: The time is now. I believe we should suspend, as soon as we can, everything but the absolute essential and spend the next amount of time, starting now, debating and working through—whether it takes day and night and weekends—rolling up our sleeves and sitting down, holding this debate across the country, to get input from the public, but also meeting together, working to find a solution to this, which we all recognize has to be done, without letting this thing trail all the way to late July and then do something in a panic.

This crisis is going to occur. It is going to occur probably sooner than we think. The last piece of advice they gave us—I know I said it just a minute ago—but the other piece of advice they gave us was: Trust us, you do not want the financial markets to force you into doing things that will be done in a rush, that will be done in a panic, that will not be rationally applied; and instead of having a principled, rational

way of solving this problem, we will be in crisis mode, and we will be having to make decisions that will have a significant negative impact on our public and on the world.

I hope to keep talking about this issue. I hope to keep urging our leadership to suspend all but the essential of what we are now doing and that all of us commit whatever time it takes to bring about a debate and a decision as to how we are going to go forward. Put it in front of the American people. Let our yea be yea and our nay be nay. Then at least we will know where we stand and we, hopefully, can come together to find a reason to forgo letting the markets do this for us, which everyone concedes is not the way to go.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THE DEBT LIMIT

Mr. KYL. Mr. President, I want to speak for a few minutes today about the effort that we are undergoing right now with the Vice President and our colleagues in the House of Representatives to find a way to constrain spending, reduce our deficits and debt sufficient to warrant an increase in the debt ceiling, as the President has asked us in the Congress to do.

We are told by the Secretary of the Treasury that by around the first part of August the United States will run up to the debt ceiling and, therefore, Congress needs to pass legislation to extend that authority. Essentially, this is because financial commitments the United States has already made can only be paid if we borrow money to pay those financial commitments. Therefore, the debt ceiling would need to be increased.

Members of both bodies on both sides of the aisle have acknowledged that one of the primary things we need to do at the same time we raise the debt ceiling—if that is to be accomplished—is to ensure that we don't have to keep doing that in the future; that is to say, that we don't keep piling on more debt by increasing spending in the future so that certain things will be necessary at that time: constraints on future spending; limitations on the ability of Congress and the President to pass additional appropriations for spending; for example, setting limits on our budget for the next at least couple of years so we know exactly how much Congress would be authorized to spend. Of course, those limits should take us back in time. They should not increase the amount of spending but should result in reductions.

Tackling entitlements—we know the big money is in entitlements such as

Medicaid, Medicare, Social Security, and other forms of what is called mandatory spending, spending that is committed to groups of Americans that doesn't require congressional action but money that we know we are going to have to spend in the future—enormous sums, in the trillions of dollars.

If we are not able to trim that in one way or another, or at least stop the increases in growth, we are not going to be able to afford those programs in the future and would, therefore, have to continue to raise the debt ceiling.

Another question that has arisen is whether it would be helpful in this connection to raise taxes. I have said, and the Republican side has said, we will not do that as part of this exercise in extending the debt ceiling. There may come a point in time later this year or next year where all of us would get together and engage in what some have called fundamental tax reform—or I like to call it progrowth tax reform because I think a lot of economists believe our Tax Code today is not conducive to economic growth, and were we to make it much simpler and do things such as reducing the corporate tax rate, for example, we can be much more competitive with our foreign trading partners. The President himself has made the point that we can reduce the corporate tax rate were we to eliminate what some call loopholes, and thereby reduce the amount of money we have to collect through the tax rate itself. This is a potential when we get into that kind of reform.

I want to distinguish the point of rebalancing our Tax Code to get a progrowth kind of Tax Code with the possibility of generating more revenue to deal with our debt situation. Those are two totally different situations. While I would be very much in favor of taking a look at these tax expenditures, various subsidies, for example, to different groups to see whether we could reduce some of those, thereby reduce tax rates in a revenue-neutral manner so our Tax Code would be more conducive to growth, but in a revenue-neutral manner, meaning not in order to raise revenues but in order to have a more sensible Tax Code so we can be more competitive with our trading partners, for example, that is what the President, as I understand it, proposed relative to our corporate tax rate, which is the highest in the world today. If we can get that down from 35 percent to 20 or 25 percent, we can be much more competitive with our trading partners.

One way is to reduce so-called tax expenditures. To give an example or two, we have significant tax credits and deductions that are taken for the production of things such as ethanol or for production of certain kinds of weather stripping equipment or solar energy equipment. This is an effort to promote so-called green energy. Those are pretty big subsidies. They are tax credits or deductions called tax expenditures. Were some of those to be eliminated or

reduced, then we can offset that increase in revenue with a reduction in the tax rate and still have as much revenue coming into the Treasury but have a more sensible Tax Code.

Let's contrast that with the situation on the debt ceiling question because that is the one before us right now. We are going to have to act on the debt ceiling in the next couple of months or so. The question is, How should we deal with our ballooning deficits and debt in order to warrant increasing the debt ceiling above what it is today? The answer, of course, is to reduce spending, not raise revenues or increase taxes.

I don't think anybody is suggesting increasing revenues by increasing tax rates. But some people have said we can eliminate some of these loopholes or tax expenditures, and that is a way to collect more revenue. If a company cannot take a certain credit or deduction, it is going to have to pay more in taxes.

I wish to make the point that, no if we are going to get into that kind of discussion, we should do it in the context of reforming our Tax Code so we can use those increased revenues in order to reduce the tax rates, as I said before, so that our country can be more competitive.

That is the context in which we should be discussing the reduction or elimination of some of these so-called tax expenditures.

Just in looking at this in an abstract way—and I will get more specific about numbers—our problem is spending. We have increased spending so much more than it has ever been in the past that we are getting very deep in debt.

To just give a comparison, spending is over 25 percent of GDP. That is the amount we are now spending at the Federal Government level. Our historic level is just above 20 percent of the GDP. That is an enormous increase in the amount of spending by this country. Some will point out that the revenues collected by the Treasury are also down, and that has contributed to the deficit. To some extent that is true. What are the reasons? It is primarily because of the recession that we have been in since the end of 2006—the decrease in the amount of money that individuals and businesses are making, and therefore a reduction in the revenues collected as taxes by the IRS. So revenues are down, but it is due to the recession that we have. We have not cut tax rates in the last few years—since 2006—for example.

The last time we had any kind of tax reduction was as a result of the 2001 and 2003 so-called Bush tax cuts. But we were generating a lot of revenue in this country before the recession. The recession caused us to generate less as families, as State and local governments, and as the Federal Government. But CBO figures demonstrate that under any of the budgets offered, including the Obama budget, we will be back to historic average levels of tax

collections in just the next few years—something on the order of 20 percent of our gross domestic product. Revenues are not the problem. They are going to be back where they have always been. Our problem is the spending, as I said. The spending in this country is now above 25 percent.

I misspoke a moment ago when I was talking about collections. The tax collections in this country have averaged between 18 and 19 percent of GDP. The spending has been a little above 20 percent. So the revenues are going to get back up to that 18 or 19 percent under any of the budgets that have been suggested—the Ryan budget, the Obama budget, and others.

The problem is spending. Under the Obama budget, spending never gets below 23 percent of the gross domestic product. In the Ryan budget, it goes from the 25 percent that we are at today to below 20 percent. I think that after 10 years, in the Ryan budget passed by the House of Representatives, it is about 19.1 percent of the gross domestic product. That is a way to get spending down to historic levels. Revenues will be back up to historic levels, and that is the way we have both a vibrant economy and we produce the revenues the Federal Government needs to operate without having to borrow 40 cents or 42 cents on every dollar as we have to do today.

When we are talking about how to get the budget better balanced, how to reduce our deficits, we should not be looking at the revenue side or the taxing side; we should be looking at the spending side. On spending, we know the big money is in the entitlements, not the discretionary part of the budget.

We need to, as a downpayment, be looking in the order of magnitude of about \$2 trillion. Speaker BOEHNER has said that if the administration wants to increase the debt ceiling by \$2 trillion, then we should show \$2 trillion in savings. If it is \$1 trillion, then make it \$1 trillion. So far in our negotiations, we are only talking about a couple hundred billion dollars. We have to get up to the \$1 trillion and \$2 trillion level. Over the course of the 10 years, we are going to have to at least double that to more than \$4 trillion if we are going to handle the long-term debt problem. That is how big it is.

Under the Ryan budget, the actual debt ceiling is increased by \$5 trillion over 10 years. So we are not talking about slashing everything in half. We are talking about continuing to have to borrow more money to pay our bills. But under the Obama budget, the amount we would have to borrow, in addition to what we have, is \$12 trillion. President Obama would be asking us to raise the debt ceiling by another \$12 trillion, and that is not sustainable in this country. It has to be more along the line of the Ryan budget, as I said. That means we are going to have to come up this year with at least \$4 trillion—I would say between \$4 trillion

and \$6 trillion—in savings in order to be able to bend this spending curve downward over time. That means at least a couple trillion dollars as a downpayment, at least double that over this 10-year period, and that means a lot more than what we have been talking about in our negotiations so far.

I do not doubt the good will of the parties to achieve that objective, but it cannot be achieved by looking at just domestic discretionary spending. We have to look at fundamental entitlement reform in order to achieve those kinds of savings. For those who say that may change the Medicare Program or it may change the Social Security Program, two things:

First, nobody is talking about changing any of those programs for anybody who is currently on them or even somebody who is going to be on them within a 10-year period of time. We are not talking about people who are on Social Security or people who are even 9 years away from Social Security.

Second, with respect to the benefits that are promised in these programs, understand that if we do not do something about them now, those benefits are not going to be there in 15 or 20 years. In fact, under Social Security, the law is that when it no longer has the benefits, the benefits stop. This is not a matter of either keeping in law what we have right now or nothing; this is a matter of either fixing the programs now or having a dramatic reduction in benefits on down the road. That is why we need to tackle this issue now.

One of the reasons I wanted to discuss this on the floor today is because there is some misunderstanding of comments I made on television yesterday, and I think it is easy to misunderstand people when they talk about raising revenue in the context of dealing with a budget deficit. Republicans are simply not going to raise tax rates in order to try to reduce this deficit with more revenue as opposed to savings. It is much different to talk about that than it is to say there are tax expenditures we can deal with, and if we can eliminate those or reduce them, then we can also reduce our tax rates and make our Tax Code more competitive.

That makes a perfect amount of sense. But I don't think we will be able to do that within the next 2 months. My guess is it is either going to be later this fall or early next year before we are able to achieve that kind of bipartisan revision of our Tax Code, if we can even do it then. I hope we can because I think there is a recognition by a lot of folks that there are a lot of these tax expenditures in the code that do not need to be in the code. They pick winners and losers. The more we can do away with and thereby reduce tax rates, the better off we will be. I am hopeful we will, through these bipartisan negotiations, be able to come together on significant savings.

The last point I will make is I would not be concerned, however, that the United States of America will ever default on our debt. We will not. The President has made it clear, the Secretary of the Treasury has made it clear that we can't. In fact, if we look at article IV of the 14th amendment, it says we can't. So I don't think any creditor should be of the view that we are not going to pay them when their T-bill comes due. That is not going to happen.

Nonetheless, it is not a good situation when the income of the government is less than the bills we need to pay because even though we may pay creditors, that may mean, Mr. President, your paycheck and mine might be paid 2 weeks late or something like that, and I am sure all of us would like to see our bills paid on time. But I think we can come together and even avoid that result if we are able to work together as both sides of the aisle and as both bodies in the Congress have committed themselves to do.

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

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

EXTENSION OF MORNING BUSINESS

Mr. CARDIN. Mr. President, I ask unanimous consent that morning business be extended until 7 p.m. for debate only, with Senators permitted to speak for up to 10 minutes each.

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

OIL COMPANY TAX BREAKS

Mr. CARDIN. Mr. President, I come to the floor to talk about a conversation I had in Baltimore this afternoon dealing with the high price of gasoline. I was talking to a station owner. I mention that because the problems of the high price of gasoline have nothing to do with the station owners. These are small business owners. They are having a difficult time with the cash flow due to the higher costs to purchase their product. They are also on the front lines, getting the wrath of consumers as they get the sticker shock when they fill up their tanks.

I can tell you that consumers are hurting today every time they go to a gasoline station to fill up their gas tanks. It is affecting their household budgets. It is affecting our economy. It will become even more dire as we go into the summer months when more and more families will be deciding on their family vacations, and the cost of gasoline will very much figure into it, having a direct impact on our economy.

I can tell you a group of companies that are not hurting as a result of the gasoline price increase, and they are our big oil companies. With gas prices escalating, oil profits have soared. There is a direct relationship. As our economy is suffering with higher gasoline prices, the profits of the oil companies go up. The five largest oil companies—ExxonMobil, Shell, BP, Chevron, and ConocoPhillips—have seen nearly \$1 trillion in profits over the last 10 years. In the first quarter of 2011 alone, the first 3 months, they had a record profit of \$35.8 billion.

When we compare that to a year ago, these companies have seen an increase in their profits. Where American businesses are suffering, where household incomes are being stretched, the oil industry makes more money on higher prices of gasoline.

I am for the free market economy. I hope businesses make a lot of money and hire more people; that is good. But that is not the situation with the oil industry. Most of their profits go to their stockholders and to repurchase shareholders' interests. It is not going to creating new jobs in America.

They are making these profits in part because of taxpayer subsidies. The person who goes to fill up his or her gas tank at a gasoline station is being affected adversely twice: first, by the cost of the gasoline today, and, second, they are being asked as taxpayers literally to help subsidize the oil industry. That makes absolutely no sense whatsoever.

In 2005, President George W. Bush said:

I will tell you, with \$55 oil we don't need incentives to the oil and gas companies to explore. There are plenty of incentives.

As you know, the crude oil price per barrel today is not \$55; it is \$100, and it has even gone higher than that. At the time, 2005, all of the Big Oil CEOs agreed there was no need for subsidies with oil prices reaching \$55 a barrel. Once again, today it is \$100 a barrel.

We will have a chance later this week to consider legislation to eliminate these tax loopholes. Senator MENENDEZ has introduced legislation, and we are going to have a cloture vote on that later this week.

I want to talk about the largest tax provision that is involved in this legislation, section 199. There is about \$18 billion of taxpayer revenue involved. Let me give a little history about the genesis of this tax provision.

It was originally put in the tax law for foreign sales companies, U.S. companies that exported products overseas for, you see, a U.S. manufacturer is at a disadvantage with regard to a foreign company manufacturer. If you manufacture your product in Europe or Asia and you import it into America, you can take off from the imported price the value-added tax that is added in Europe and Asia. But if you are an American manufacturer, and you are sending your product into Europe and Asia—and, yes, there are taxes in-

involved in producing a product in America—you cannot take that tax off when you send that product into Europe. So the playing field we are competing on is not a level playing field. American manufacturers do not share the same competitive advantage.

Congress did something about that and passed a tax provision to give U.S. manufacturers that export products a tax break. That is what we did. Obviously, the oil industry did not get that tax break. First of all, they are not what we would call traditional manufacturing, and, second, they import a lot more than they ever export. They import their crude oil, and the amount of their exported product is a lot less than that.

The problem happened after we passed this foreign sales provision. Companies in Europe and Asia took us to the World Trade Organization and said this was an illegal subsidy to U.S. manufacturers. We argued, and I think ours was the right position, that it was not, but we lost the case. As a result, we had to redo the tax provisions, and we passed what is now known as section 199.

What we did is rough justice. We gave all manufacturing a certain tax break, figuring that it would be fair to deal with their manufacturing that was used for export.

I must tell you, I don't think any of us envisioned at that time that \$18 billion of that revenue would go to the oil industry. They did not need this break. This is not a matter of subsidizing their products into the export market when, as we know, petroleum and oil is a global product. It makes no sense whatsoever to continue this tax provision for the oil industry. It should have been repealed a long time ago.

But one thing is clear. It is not needed. The profits of the oil industry are very high, and we need these revenues for other purposes. We need these revenues in order to deal with deficit reduction.

I hear my colleagues on both sides of the aisle talk frequently about how we need a credible plan to reduce the Federal deficit. I agree with that. We do need a credible plan to reduce the Federal deficit. But if we don't start with getting rid of these tax expenditures that are clearly not serving any public purpose—if we can't start with what is easy—how are we going to make the tough decisions?

If we are being asked to tell our seniors they will have to make do with less, students will have to pay more, let me tell you, the oil industry can do without this subsidy they do not need.

We will hear all types of scare tactics used by those who oppose this repeal. One of the common lines is that it will increase the price at the gas pump. Nothing could be further from the truth. If I could just tell you the basic math: \$140 billion in profits, we are talking about annually—projected to be \$140 billion. The tax provisions are about \$4 billion on an annual basis. The

numbers I was giving you before are 10-year numbers; this is on an annual basis.

In 2009, over 85 percent of the profits went back to the shareholders. So there is no possible way it would have an impact on price.

Let me quote from some experts in this area. Severin Borenstein, the co-director of University of California Berkeley's Center for the Study of Energy Markets observes:

Gasoline prices are a function of world oil prices and refining margins . . . the incremental change in production that might result from changing oil subsidies will have no impact on world oil prices, and therefore no impact on gasoline prices.

Our own Congressional Research Service said:

In the recent market environment . . . prices are well in excess of costs and a small increase in taxes would be unlikely to reduce oil output, and hence increase petroleum product (gasoline) prices.

So let me just put that myth aside.

All of us are concerned about how do we bring down gasoline prices. Will eliminating this price bring down gasoline prices? No, it will not, in and of itself. But what it will do is give us all the tools we need in order to move forward with energy policies in America. We are going to be asking for budget priorities to deal with energy independence so we can bring down energy prices. We have to get rid of these unnecessary tax expenditures so we can have a budget that makes sense and is fiscally responsible.

Yes, there are things we can do to help bring down gasoline prices. We can certainly regulate speculation in the commodities market, give the Commodity Futures Trading Commission the tools they need. Some of my friends on the other side of the aisle want to cut their resources. We think they should have the resources in order to get their job done.

It is time we take on the monopolistic policies of the countries that produce oil. These are countries, many of which are not what we would call at all free economic countries. They are manipulating price and supply. We need to do a better job taking that on. We need a comprehensive energy policy.

I have said many times on the Senate floor that America has a little over 2 percent of the reserves of oil and we consume 25 percent of the world's oil. We have to get off oil, imported oil. The only way to do that is develop renewable energy resources, use less energy so our Nation can become energy independent. That will not only help us as it relates to the current economic problems, it will also help us create more jobs in America, will make us more energy secure, and will also help our environment. The first step is to repeal the unwarranted taxpayer subsidies to the big oil companies.

Let me close by quoting from an editorial that appeared in my local paper, the Baltimore Sun, on Friday, this past

Friday, May 13. I am going to quote a small part of it.

What, tens of billions of dollars in potential profits isn't good enough without the government adding some kind of sweetener to your \$100 barrels of black gold?

That's just greedy, and with the nation facing a debt crisis, it's downright immoral. To be talking about trimming Medicare and Medicaid—basic health care for our seniors and the poor—while preserving tax breaks that cost the federal treasury \$21 billion annually is just beyond the pale.

I agree with the editorial in the Baltimore Sun. It is well past time that we end these taxpayer subsidies. We are going to have a chance to do it this week.

The first vote will be on cloture, whether we want to take this up for a vote, up or down. I don't think this is terribly complicated. This is an issue on which the American people expect us to take a stand, on an up-or-down vote. I hope my colleagues will support the consideration of the bill of Senator MENENDEZ to repeal these tax subsidies and vote to repeal these subsidies so we can help the American taxpayers and work together to develop an energy policy to make America secure so we can have a stable energy cost, including reducing the costs of gasoline at the pump, which is affecting every one of our constituents.

I yield the floor.

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. NELSON of Florida. 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. NELSON of Florida. Mr. President, the Senate is expected to take up a bill that would repeal \$20 billion in outdated, antiquated tax breaks for the oil and gas companies. In many cases, this tax break was created about a century ago. They have little, if anything, to do with modern, job-creating energy policy. It is time for them to go.

These oil and gas tax breaks are targeted in this bill we are going to vote on. They are narrow, special interest tax subsidies that distort the marketplace. It happens to pad the profits as a result of the tax breaks, and it does nothing to keep gas prices down.

It simply doesn't make any sense to me that we would continue to rely on oil and gas tax breaks that were originally written in 1916. These rules are truly vestiges of another era. In some cases, rather than encouraging energy independence, the tax breaks actually promote energy dependence on the OPEC oil-producing member states and other foreign countries that produce oil.

For example, there is a part in it called the "dual capacity" provision and it allows major oil companies to claim a foreign tax credit for royalties paid to foreign governments. The foreign tax credit was never intended to

offset royalty payments. It was originally intended to offset foreign income tax payments. So a company does business in a foreign country, they pay an income tax. The foreign tax credit was created so you could offset your foreign taxes on your American income taxes. But what has happened is the oil companies have twisted that and are claiming the royalties they pay to foreign governments as an income tax. It isn't. It is a royalty payment. The foreign tax credit was never intended for that, and it is another loophole in our Tax Code that does nothing more than promote reliance and dependence on foreign oil and, for that matter, foreign governments. That is exactly what we ought to be reversing, just from a national security standpoint, not even speaking of the threat to our national economic condition, because we are now importing 70 percent of our daily consumption of oil from foreign shores.

In addition to repealing those kinds of tax subsidies, we also need to close a loophole that allows oil companies to claim a tax break for their own irresponsible actions. It turns out that BP has figured out how to shift nearly a third of their cleanup and legal costs of the Gulf of Mexico oil spill onto the backs of American taxpayers. Here is what they have done. They have come out with a projection of future income and profitability in a report. They expect they are going to have somewhere in the neighborhood of \$40 billion of payments they are going to make as a result of their irresponsible action of having this huge Deepwater Horizon oil spill in the Gulf. Part of that, of course, is payments to local governments. Part of that is payments through the Gulf Claims Facility Fund. Part of that is going to be a hefty fine that is going to be imposed by the Federal Government.

Very cleverly, they have gotten their tax lawyers together and figured out what they can do is deduct the oil spill recovery payments as an expense, and save themselves \$11.8 billion in taxes. What BP is doing is treating its cleanup and legal expense as an ordinary and necessary cost of doing business. These costs aren't ordinary business expenses and they should not be deductible.

When the five oil company CEOs were in front of our Finance Committee, I asked the CEO of BP: Are you going to do this?

He said: That is what the law allows and that is what we are going to do.

I said: What the law allows doesn't make it right. Why don't you take a cue from the Boeing Company or from Goldman Sachs for the expenses they incurred as a result of untoward activity? They voluntarily did not employ this part of the Tax Code to use it as a business deduction and, therefore, to cut their taxes.

Of course, when a company such as this cuts their taxes nearly \$12 billion, guess who makes up the difference? The rest of us do. The American taxpayers.

I filed a bill, the Oilspill Tax Fairness Act, and it aims to reduce the deficit by billions of dollars by preventing oil companies from shifting the cost of oil spills onto our taxpayers. In the past, Congress has stepped in to prevent unconscionable tax deductions for expenses such as civil and criminal fines, bribes, lobbying expenditures, political contributions, excessive executive compensation. We have done that in the Congress by passing laws to prevent those as tax deductions. Well, we ought to step in and do it again. I think anybody would say BP was irresponsible and negligent to the detriment of a whole lot of people and the company should not be able to claim tax savings for their missteps, especially while our people are being squeezed at the pump every day because of the price of gasoline at the same time that in the first 3 months of this year, the first quarter, those five oil companies had \$35 billion in profits. This is pouring salt on the wound. How much more flagellation can the American taxpayer take?

Today's rising gas prices reflect more than just record profits for the oil companies. There is also rising demand in Asia. It is clearly evident that our oil and energy markets are no longer governed by supply and demand. Speculation is back with a vengeance. We saw the handiwork of speculators 2 years ago when the price of oil hit an all-time high of \$147 a barrel, only to plummet 80 percent of that price a few months later. That is not supply and demand. That is not the workings of the economic market. That is in part caused by speculators running the price of oil up, and then because they had to drop their positions on the Commodity Futures Trading Commission, and the exchanges, they started dropping all of those futures contracts in oil. Now speculators are using the turmoil in the Middle East and North Africa as an excuse to drive the price of oil sky high.

It makes no sense that we continue to let the commodities exchanges self-regulate by setting their own margin levels and other rules. Last year, when we passed the Dodd-Frank Wall Street Reform and Consumer Protection Act, Congress empowered the Commodity Futures Trading Commission under the new law to rein in excessive speculation so that commodities markets don't fly off the rails. Yet this same commission has yet to finalize new rules to impose speculative position limits, which are hard caps on the amount any one speculator can invest in oil derivatives.

There are a number of us who have been working for months in this Senate to push the CFTC to act. The law we passed was clear, and it is time for the Federal regulators to follow through.

Sadly, I want to recall a little over a year ago something that a lot of us remember so vividly. Many people cannot forget the images of the oil that was gushing from 5,000 feet below the surface of the Gulf of Mexico.

In my public service for decades, I have warned about the dangers of drilling out there in the gulf. It is now unbelievable that almost a year after the gulf oilspill and the environmental disaster that ensued, folks are still now talking about being willing to risk the economy of the entire gulf coast again. You remember that 11 people died because safety took a back seat to expediency and profit.

Last week the House passed three bills that would speed up oil production in a way that ignores serious safety concerns. Now Senator MCCONNELL has a similar proposal. These bills would require the Secretary of the Interior to approve or deny drilling permits within a maximum of 60 days, and if the Secretary does not take action within that time, a permit is deemed approved. That is like saying if a home buyer is not approved for financing within 60 days, they automatically get the financing regardless of their credit. Or it is like saying if a prisoner does not hear back from the parole board in 2 months, that prisoner is going to be automatically out on parole.

It is simply irresponsible to deregulate an inherently dangerous activity in this manner, and it is a slap in the face to the commercial fishermen, the hoteliers, and the small business owners on the gulf coast who, to this day, have not been made whole. Yet these bills are out here. The House passed it.

Senator MCCONNELL's bill would roll back the Department of the Interior's post-Deepwater Horizon revisions to offshore leasing—revisions that came about because of what we learned from the oilspill. Senator MCCONNELL's bill seeks to limit the fundamental right of Americans; that is, access to the courts. His bill would not allow Floridians who want to file a civil lawsuit regarding any offshore energy projects in the Gulf of Mexico to have a claim near their home in Florida or their place of business in Florida. Instead, under his bill, they have to go to the Fifth Circuit. That is Mississippi, Louisiana, and Texas. Why should people from Florida have to file a claim there? Why can't they go through the Eleventh Circuit, which is the one for the State of Florida and Georgia? The Fifth Circuit certainly cannot be the only circuit with expertise on the subject of offshore energy.

I believe we have a responsibility to protect access to the courts, and Senator MCCONNELL's bill jeopardizes that for the people who do not have the luxury of going far off to another State to bring a lawsuit.

Meanwhile, the House has passed a bill last week that seeks to open—now it is getting personal—they seek to open the eastern Gulf of Mexico off of Florida, that which Senator Martinez and I made off limits in law. There are obvious reasons we have it off limits in law. It is the largest testing and training area for the U.S. military in the world. We have two letters from two successive Secretaries of Defense, in-

cluding the present one, Secretary Gates, that says you cannot have oil drilling and related activities—they use the word it is “incompatible” with the military training and testing mission. That is the largest training and testing area for the U.S. military in the world.

It is basically right off of Florida. Of course, you all have heard me over and over talk about all the dry holes. There is not much oil out there off of Florida. The oil is where the Lord intended the oil to be—and that was for years the sediments coming down the Mississippi River and then being compacted, and then for millions of years the compacting of the Earth's crust formed that oil. That is off of, primarily, Louisiana, some off of Mississippi, some off of Alabama and Texas, not Florida.

The proponents of these bills claim they will lower gas prices. At the same time, the oil and gas companies are making billions of dollars. Just look at their first quarter report. And we are giving big tax subsidies to the oil companies.

The price of oil dropped \$17 a barrel last week. It was the largest weekly decline in over 2 years. But do you know what? I do not think the folks at the gas pump saw a commensurate drop. I think it is about time we gave them some relief, and we are going to have a chance to do that.

I conclude by saying we are not fooling ourselves. To be able to get an individual bill such as this for specific tax breaks—however objectionable those tax breaks are, it is going to be difficult to get 60 votes to break a filibuster. But help is on the way. There is a group called the Gang of Six. They are meeting, and they are trying to put together a package to solve our deficit crisis and to make real progress over the next decade or so, as we move toward budget balance—a condition we enjoyed as recently as 2001—not only budget balance, but a budget surplus.

It is my hope when we get down to putting this package together of how we are going to lower the deficit, people of good will will come together and recognize there are things in the Tax Code that have to be changed to make them right. I have enumerated but a few here today.

Mr. President, with that, I yield the floor, and I look forward to the comments of the very distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am pleased I could be here to hear our colleague from Florida talking so eloquently about the importance of ending the subsidies we are currently paying to the Nation's largest oil companies and about the importance of continuing to preserve the gulf and to make sure the regulations we put in place last year continue.

I appreciate his leadership on both of those issues, and particularly on protecting the gulf, which is a national

treasure. So I thank very much our colleague from Florida, Senator NELSON.

I came down to the floor today to talk about the important legislation that is before us to reduce our deficit by ending the needless subsidies for the Nation's largest oil companies.

At a time when Americans are paying these companies \$4 a gallon for gasoline—and in some places it is more than that—it might be surprising to some people out there that these same companies are receiving \$4 billion a year in subsidies from the American taxpayer.

The legislation that is before us in the Senate right now would end six of these separate tax handouts. One of them repeals a provision that essentially amounts to a subsidy for foreign oil production. A second closes a loophole that lets oil companies drill for free on public lands in the Outer Continental Shelf. Another ends a practice that lets oil companies manipulate the numbers when deducting the cost of new wells from their taxes. Under current law, in fact, oil companies sometimes can deduct more than they actually paid to put in place the well.

While so many families and small businesses nationwide have struggled to pay the high cost of gasoline, the five largest oil companies in the United States collectively made nearly \$1 trillion in profits over the last decade.

Yet because of unnecessary and outdated tax subsidies, ExxonMobil—the biggest oil company—paid no U.S. income tax in 2009. That is hard to explain to the small businesses in New Hampshire and Florida and Delaware that are struggling in this recession to pay their taxes, that the biggest oil company in the country that made the highest profits did not pay any taxes in 2009. With record deficits, ending those giveaways is a commonsense step toward fixing the Federal budget.

I have heard some people who are in favor of these giveaways say we need them so the oil companies can keep prices low. But as Senator NELSON so clearly put it, the nonpartisan Congressional Research Service said last week in a report that rolling back these tax handouts will not raise gas prices. With prices so high, they said, oil companies will do all they can to maximize production from all existing wells and the oil supply will remain unchanged. A barrel of oil is currently selling for far more than it costs an oil company to produce. These subsidies are doing nothing to make gasoline cheaper.

In fact, the former CEO of Shell Oil Company spoke about drilling subsidies last February, and he said: “with high oil prices, such subsidies are not necessary.”

But I think it is important to be clear. This legislation is not about punishing the oil companies for doing well. We want all companies in America to do well. It is about reducing the deficit and our debt and making smart policy choices with our limited resources.

Tax breaks for big corporations are just spending under another name, and all government spending of taxpayer dollars has to come under scrutiny as we tackle our debt and deficits. We are never going to get our massive deficits and debt under control unless we are prepared to eliminate outdated and unnecessary government programs—and that means government programs that we support on the Democratic side of the aisle, and it also means outdated and unnecessary programs that our colleagues on the other side of the aisle support.

Providing tax handouts to one of the most profitable industries in human history—an industry that clearly needs no help from taxpayers—is a logical place to start.

As we emerge from this historic recession and grapple with our long-term deficits, we have to ask ourselves: What are our priorities—investing in the next-generation economy, reducing the national debt to leave to our children or is it providing outdated tax breaks to one of the most profitable industries in the history of our country? I think the choice is pretty clear.

I hope our colleagues will join us in supporting this legislation to eliminate these giveaways, reduce the deficit, and strengthen our economy.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Mr. President, I rise in support of legislation we will later vote on this week, authored by the Senator from New Jersey, Mr. MENENDEZ. As we all know, he has been championing this legislation for quite some time. He had the prescience and foresight to focus on this idea early on, and I applaud the hard work he has done to build support for it.

I am also glad our leader, Senator REID, scheduled a vote on it this week. I hope the bill will pass. I have heard that even a few of my friends from the other side of the aisle say they are considering voting for it.

Nothing would be better, in terms of showing bipartisanship and giving the American people hope that we can come to a fair agreement on the budget, than to pass the legislation this week.

In the last election, voters gave those of us who serve in this Chamber two distinct mandates. They told us to do two things at once, either one of which alone would be hard to do. First, and perhaps foremost, they said make the economy grow, create good-paying jobs, make sure of that the American dream which says the odds are that you will be doing better 10 years from

today and the odds are that your children will do better than you. That is the American dream.

Since the founding of our great Republic, that candle has burned brightly in the eyes of Americans, whose ancestors have been here since the Mayflower landed, as well as in the eyes of Americans who are just here for a generation or two and even new immigrants.

They also gave us a second mandate—not just grow the economy, not just to employ people but a second one: rein in the out-of-control Federal deficit. The American people, as usual, had wisdom, because both these goals are important. Some say the debt isn't important. I believe it is.

Here is the way I put it: We, the Federal Government, are a blindfolded man, and we are walking toward a cliff. Once we fall off that cliff, there is no getting back. The debate is whether we are 20 feet from the cliff or 200 yards from it. But we know that sooner or later, no matter our distance, if we keep walking, we are going to fall off. Once you fall off, there is no getting back. So that means we have to take the bull by the horns and confront our mounting debt.

It would be hard enough to accomplish one of these two goals. To try to do both at once is a Herculean task. I think everybody is trying to do what is right, regardless of their ideology, but there are strong and different feelings and clear policy differences.

There are many tough choices ahead, but there is at least one choice that isn't tough at all—not by a mile. It is obvious to me and to most Americans, whether it is people you talk to as you go about your State or looking at the polling data, that at this time of fiscal restraint, to continue to give the big oil companies giant tax breaks makes no sense. Getting rid of these corporate subsidies to Big Oil is a no-brainer.

Decades ago, when these breaks were enacted, oil was \$17 a barrel. Maybe it made sense then to give companies an incentive to explore and produce. One of the subsidies the Menendez legislation repeals, the oil depletion allowance, dates back to 1913. That is the same year a man named William Burton patented a new oil extraction process called thermal cracking. Big Oil no longer cracks petroleum using Mr. Burton's method. It is an outdated process, but the outdated tax subsidy still remains on the books, amazingly enough.

With oil hovering at \$100 a barrel and Big Oil reaping record profits, it defies logic for the government to spend billions of taxpayer dollars on these subsidies. We are writing out a check for \$4 billion to the big oil companies. Does that make sense when we have so many other needs and a huge deficit? To me, it doesn't.

At the same time, Americans get hit with a double whammy. When they drive up to the pump, they are paying \$4—or close to it—a gallon for gasoline, diesel fuel, and Big Oil is taking some

dollars out of their pockets because their taxes—a small percentage of it—go to pay these Big Oil subsidies. How galling.

In my home State of New York, the price of gasoline is up 35 percent, on average, compared to this time last year. Economists estimate that a typical New York family—a typical American family—will pay as much as \$1,000 more on gas this year than last. When these families sit around the dinner table on Friday nights after dinner and mom and dad are trying to figure out how they are going to pay their bills, those gas prices make things much harder. Families across the country are struggling to make ends meet, as the economy slowly recovers. They can't afford to get gouged at the pump. With billions of dollars' worth of tax subsidies and gas prices at near record highs, it is no wonder these top five oil companies have just announced mind-boggling profits. These companies are not only among the most profitable businesses in the United States, but they are among the most profitable businesses in the whole world.

In the first quarter of this year, the big five brought in \$35 billion in profits. In the past decade, they took home nearly \$ 1 trillion—that is with a T. There is nothing wrong with profits in and of themselves. In America, we celebrate success. We want the private sector to thrive and make good profits. But at a time when the government is looking to tighten its belt and we are asking every family to tighten their belt and we are grappling with painful cuts because of the dual goal of growing the middle class but also reducing the deficit, it boggles the mind that we continue to subsidize such a lavishly profitable industry.

There are priorities. I said this to the auto company executives last week when they testified before our Finance Committee. There are priorities. How many Americans would choose to give oil companies an extra subsidy rather than help kids who deserve to go to college pay for their tuition? That is what some of my colleagues are recommending. When I asked Mr. Mulva, the head of Conoco, one of the big five oil companies—I said: Well, which would you choose? He said they are two different things. Mr. Mulva, in all due respect, they are not. If we have to reduce the deficit by a certain amount, if we take the \$21 billion we are giving you, that gives us some money to play with that we might be able to deal—not play with but to use for good purpose—that we could give to prevent cuts and help middle-class families defray the cost of tuition to send their kids to college, which is part of the American dream. So they are related—at least in a government-deficit world, at least in a budget world in which we live; every dollar you don't spend on one thing is a dollar you might be able to use on something else.

Try to wrap your head around it. Big Oil is recording record profits. Gas

prices are near an alltime high and we as American taxpayers, are subsidizing the oil industry to the tune of \$4 billion a year. You need the imagination of Lewis Carroll, who wrote "Alice in Wonderland," to come up with a more ridiculous scenario.

That is why I strongly support and am proud to cosponsor Senator MENENDEZ's "Close Big Oil Tax Loopholes Act."

This legislation will put an end to taxpayer handouts to the five largest integrated oil companies and use that \$21 billion in savings to reduce the deficit. This \$21 billion is an excellent downpayment on the effort to get our fiscal house in order. If we use this \$21 billion, it will be a little easier to reach our huge goal of reducing the deficit. It will be a little easier to complete our dual goals of reducing the deficit but still growing the economy.

The bill repeals a host of Byzantine tax provisions that only a lobbyist could love, such as the deduction for tertiary injectants and the deduction for intangible extraction costs. Some thought these up a long time ago. They have sat in our Tax Code, but they mean lots of money to Big Oil.

Small- and medium-sized oil firms are exempt. The only companies the legislation deals with are the big five—Shell, ExxonMobil, Chevron, Conoco-Phillips, and British Petroleum.

I have heard pundits from the hard right parrot Big Oil's talking point that repealing these giveaways would increase gas prices for consumers. Nothing could be further from the truth. Last week, two major studies—one from the nonpartisan Congressional Research Service and another from the Joint Economic Committee—found that ending these absurd subsidies would not—would not—impact the price of gas. Neither of these studies—these were scientific studies done by economists. They did not have any biases.

In what was perhaps an inadvertent moment of candor at last week's Finance Committee hearing, ExxonMobil's CEO Rex Tillerson said:

Gasoline prices are a function of crude oil prices, which are set in the marketplace by global supply and demand, not by companies such as ours.

Let me repeat what he said because it directly answers the argument that some on the other side of the aisle have made that if we repeal these subsidies, we will raise gas prices because that means the companies would decide to raise them because they are getting less subsidy. Here is what Mr. Tillerson said:

Gasoline prices are a function of crude oil prices, which are set in the marketplace by global supply and demand, not by companies such as ours.

That does not seem like an objectionable comment; it is true. But when he made that comment, Mr. Tillerson of ExxonMobil was conceding that repealing taxpayer-funded subsidies for the big five will not increase prices. Prices

are set, as he says, by global supply and demand. That is not to say repealing the subsidies would necessarily bring down prices. We are not making that claim. All along we have been clear that the purpose of this bill is to make a dent in the deficit by repealing tax breaks for the five companies that are the least in need of help from Uncle Sam.

Lowering the cost of gasoline and ridding our country of its dependence on foreign oil requires, of course, a long-term comprehensive approach. It is something we must do. It is outrageous that our country sends \$1 billion a day overseas, wealth out of American pockets. To whom do we send them? People we dislike intensely—Ahmadinejad of Iran and Chavez of Venezuela. Why are we doing that? Because we failed to come up with a long-term policy that reduces our dependence on foreign oil.

In the months ahead, I expect the Democratic caucus will unveil a thorough and forward-thinking plan to do just that. In the meantime, if Republicans in the House are serious about deficit reduction, the Menendez bill is their chance to show it now.

If we are going to come together, is this not the easiest place to come together? We are going to have a lot of hard struggles as we attempt to reduce the deficit, as the debt ceiling looms over us. But this is an easy one, and many people on my side of the aisle are scratching their heads. If our colleagues on the other side cannot give in on something such as this, what are they going to give in on? Speaker BOEHNER said earlier this week he wants to make trillions of dollars in cuts. Here is a good place to start. Indeed, the Speaker himself has said as much.

At one point, he seemed to say it makes some sense to eliminate subsidies to the big five. Let's not forget that Speaker BOEHNER was in favor of repealing oil subsidies before he was against it.

The bottom line is this: At a time of sky-high oil prices, it is unfathomable to continue to pad the profit of companies with taxpayer-funded subsidies. The time to repeal these giveaways is now. No more should we send \$4 billion this year, next year, or any year to the five big oil companies which have made record profits and admittedly, by the admission of Mr. Tillerson, if we take them away from them it would not raise gas prices a plug nickel.

Our plan to cut the deficit begins with ending wasteful subsidies to Big Oil. The Republican plan, as embodied by the Ryan amendment, for which almost every Republican in the House voted begins with ending Medicare as we know it. That is a bright line difference between our side and theirs. We know what choice the American people want us to make.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

EXTENSION OF MORNING BUSINESS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that morning business be extended until 8 p.m. for debate only, with Senators permitted to speak therein for up to 10 minutes each.

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

CLOSE BIG OIL TAX LOOPHOLES ACT

Mr. BROWN of Ohio. Mr. President, I thank the senior Senator from New York who has been a real leader on this issue to bring more tax fairness to the American people and take away the subsidies of these five companies that absolutely do not need those subsidies and to help deal with the budget deficit. We can do that with one simple step that far too many conservative politicians in this city are resisting. I join Senator SCHUMER in expanding on his comments.

We think our Nation's spending and its budget should reflect our Nation's priorities, should reflect our investments in education, infrastructure, how it will strengthen our economic competitiveness, whether in Charleston, WV, or Ironton, OH, through the innovation of entrepreneurs and small businesses.

Our Tax Code should also reflect our priorities to create jobs at home—to encourage companies to invest in clean energy to end our Nation's dependence on foreign dirty oil.

Last week, unfortunately, we heard just how out of touch some politicians and their benefactors in the oil industry are with the real priorities and real problems facing our Nation—huge Federal deficits, \$4-a-gallon gas, Americans struggling to find a job or put food on the table even if they are employed.

I received a letter from Laurie from Lakewood, OH:

This recession has hurt our family budget for the past three years. My husband and I have had our pay reduced.

We cut our expenses—not going out to eat or to the movies or the department stores. My husband and I are both working second jobs to keep our kids in school and food on the table. We carpool and do everything we can to cut expenses.

I'm at the end, I don't know where else to cut and I don't have the option of not putting gas in my tank because I have to get to my jobs.

She said "jobs," plural.

Please, if you can do anything, it would help so many of us who are struggling.

Laurie's story is similar to that of many other Americans and so many Ohioans from Ashton, OH, to Hamilton, from Lima to Gallipolis, the working mom who drives from home in the suburbs to work downtown; truckdrivers in Toledo where high gas prices jeopardize their ability to operate and transport products across the country;

small business owners in Lima, in Zanesville, Findlay, Mansfield, and Chillicothe who worry that high gas prices cut into already razor-thin margins, where money spent on gas means less spent on finished products, goods, and services.

Their stories stand in sharp contrast to what we heard last week when the CEOs of the five largest oil companies testified before the Senate Finance Committee. They insisted on holding on to those tax loopholes that they said before they do not want and they have acknowledged they will not use to expand production.

A common refrain we hear from conservative Washington politicians is that just as American families are tightening their belts, so, too, should the Federal Government. Just ask Laurie and the thousands of other Ohioans who work hard and play by the rules and are doing everything they can to get by.

What about big oil? They are doing just fine with windfall profits, billions and billions. The five largest oil companies made \$32 billion in profits in the first quarter of this year. Based on that, over four quarters over this full calendar year of 2011, we can project the five companies' profits being \$128 billion plus—\$128 billion. Their profits are good. But when their profits are more than \$30 billion in the first quarter alone, it is clear they do not need these taxpayer-funded giveaways.

Americans spent 28 percent more for gas in the first 3 months of 2011 than they did in the same period in 2010. Meanwhile, the big five oil companies—BP, Chevron, ConocoPhillips, ExxonMobil, and Shell—made 38 percent more profit. The companies then used a major portion of these additional profits to buy back stock to enrich their board of directors, senior managers, and shareholders.

These massive profits are possible by a misguided part of the Tax Code—one that allows them to take advantage of credits that are, in fact, meant to encourage American manufacturing. That is why the Close Big Oil Tax Loopholes Act is so important. The bill would end more than \$2 billion in tax subsidy deductions and royalty relief that big companies receive each year.

Consumers who are already paying for \$4-a-gallon gas at the pump should not be forced to write another \$2 billion check to companies that do not need it. But that is exactly what our Tax Code allows. To put it another way, it grants corporate welfare to Big Oil. It is unnecessary and undermines the actual manufacturing that can create jobs and strengthen our production of domestic clean energy.

We should promote only those tax credits—only precisely those tax credits—that constitute an effective use of tax dollars. For example, manufacturers from across Ohio and the Nation have benefited from the 48(c) advanced manufacturing tax credits that help us move away from our dependence on foreign oil.

Mr. President, 48(c) leverages public incentives to attract private sector investment. That means government and business working together to create jobs and build a clean energy economy. Seven Ohio companies were awarded \$125 million in initial 48(c) funding in the first phase of last year. These companies and their workers—in Bedford, Bucyrus, Circleville, Dayton, Findlay, Perrysburg, and Toledo, OH—will retool their factories to build clean energy products from wind turbine bolts to energy-efficient lamps and home appliances to state-of-the-art solar panel technologies.

I introduced the Security in Energy and Manufacturing Act—the SEAM Act—to extend the 48(c) program. The SEAM Act will promote grants as a means to invest in more companies, especially small- and medium-sized manufacturers that do not have tax liabilities or companies that struggle to find credit in the tight financial market.

We want these manufacturing tax credits—very different from what the oil industry is demanding they keep because their tax incentives accomplish none of this. We are asking that those startup companies, those companies that are not yet so profitable, take these 48(c) tax credits because they simply do not have the tax liability yet. We are asking that those be part of the code so those companies can get some assistance as they begin to grow their businesses and conserve energy.

This would further promote U.S. clean energy manufacturing and ensure our manufacturers produce all the component parts in the clean energy supply chain.

Yet instead of adopting this valuable incentive, Republican opposition in the Senate and Republican opposition in the House forces us to continue to allow Big Oil to exploit the manufacturing deduction to extract oil from the ground. They do not need any more incentives to drill for oil when they are getting close to \$100 a barrel. What they are doing is not manufacturing in any sense of the word.

We need a more comprehensive reexamination of the corporate Tax Code. In the meantime, we should be able to agree there is no justification to continuing tax subsidies to companies that have no need for them. This legislation is modest. It is only in the scheme of a huge Federal budget, in the scheme of \$125 billion profits for the oil companies. It is only in the scheme of that a first step. After removing these unnecessary tax loopholes, the Senate should work on cracking down on both reckless Wall Street speculators and OPEC members that manipulate prices through collusion and price fixing.

One step is to take away the tax subsidies. Middle-class families in Dayton, Akron, Canton, Youngstown, Huntington, Charleston, in Beckley are reaching into their pockets and giving to the oil companies. We are taking that away. At the same time, the administration needs to crack down on

Wall Street speculators that are gaming the system as they manipulate prices with OPEC nations through collusion and price fixing. By taking these necessary steps, we show how our spending and our Tax Code and our budget can reflect not only our priorities but how we can actually meet them.

The time to ask is now. I ask my more conservative colleagues here to join us. It is a pretty easy step to move toward a better fiscal situation, a more coherent budget policy—that we eliminate these tax subsidies that have gone to America's five largest oil companies, some of the most profitable companies, frankly, in the history of the world.

Mr. President, I yield the floor.

NATIONAL POLICE WEEK

Mr. WHITEHOUSE. Mr. President, I rise to honor the service of our Nation's law enforcement officers on the occasion of National Police Week, which is taking place this year from May 15 through May 21.

Every day, in cities and towns across America, police officers put their lives on the line to protect their fellow citizens. As a State and Federal prosecutor, I was proud to work alongside so many fine law enforcement officers in Rhode Island. I saw their hard work, their dedication to protecting the public, their commitment to upholding the rule of law, and the sacrifices they make for their communities.

During National Police Week, we remember those officers who have fallen in the line of duty, and we honor their families. It is a tragedy for a single officer to be killed in the line of duty. Yet according to the National Law Enforcement Officers Memorial Fund, there were 162 law enforcement fatalities in America last year, a jump of nearly 40 percent from the year before. In 2011, the statistics are even more upsetting: as of May 12, there have already been 69 officer fatalities, a 17-percent increase from this time a year ago.

Here in the Nation's Capital, we are marking the service and loss of our country's fallen police officers through the events of National Police Week. Yesterday more than 20,000 officers gathered in Washington, DC, to observe National Peace Officers Memorial Day. I was proud to join with Chairman LEAHY, Ranking Member GRASSLEY, and other members of the Senate in cosponsoring a resolution recognizing that day, and commemorating the dedication of those officers killed or injured in the line of duty.

I also wanted to highlight for my colleagues two recent events to honor this occasion in my home State.

Earlier this month, Newport hosted the 28th annual Aquidneck Island National Police Parade. Hundreds of officers from nearly every police agency in Rhode Island marched alongside more than 1,000 fellow police officers from across the Northeast and Canada.

The marchers in Newport included Robert Shaw, the father of Providence police Sergeant Steven Shaw, who was killed in the line of duty in 1994. Mr. Shaw has been an active leader of Concerns of Police Survivors, COPS, an organization that has provided so much support to the loved ones, families, and former comrades of fallen officers. I am pleased to have joined with Senator MURKOWSKI and other Senators on both sides of the aisle in cosponsoring a resolution recognizing the work of this organization and designating May 14, 2011, as National Police Survivors Day.

Last week, another group of Rhode Island police officers embarked on a longer march. Thirteen officers from Woonsocket marched for 4½ days in the 11th annual COPSwalk to Washington, under the leadership of Sergeant Ed Cunanan. Their dedication has raised thousands of dollars to provide financial support for the families of fallen police officers.

Once again, I thank the officers across Rhode Island and our country who protect our kids, secure our communities, and bring criminals to justice. They are public servants of the highest order who have given so much of themselves for the benefit of us all. I look forward to working with my colleagues to make sure we do all we can to protect their safety as they fulfill their vital responsibilities.

Mrs. MCCASKILL. Mr. President, I rise today to pay tribute to the thousands of peace officers who tirelessly serve our country and our communities. Having just commemorated Peace Officers Memorial Day on May 15, I want to specifically acknowledge the 162 officers killed in 2010, including 5 from my home State of Missouri, who laid down their lives in service to others.

This past week in our Nation's Capital thousands of police officers, deputy sheriffs, State troopers, investigators, and agents gathered in fellowship as brothers and sisters united by a bond of service and sacrifice. Every year, they gather to commemorate their fallen at the National Law Enforcement Officer Memorial where the names of nearly 19,000 officers who have been killed in the line of duty are etched. Nationally, the average age of the officers killed in 2010 was 41; the average length of their law enforcement service was nearly 12 years; and, on average, each officer left behind 2 children. While there is no way we can fully restore the families, the coworkers, and the communities of our fallen law enforcement professionals, we can offer solace and tribute in the hope that they know we honor them and their sacrifice.

The profession of a being a peace officer in this country is unique in many ways and its challenges are many. We expect our officers, deputies, troopers, agents, and investigators to uphold the law of the land without compromise and without blemish. We expect them to run toward the sounds of gunfire, to transform chaos into order, to provide

comfort to the afflicted and injured, to protect the vulnerable, and to facilitate justice for the victimized. We ask them to do this at every hour of the day, every day of the year, in every climate and place where the American flag flies. The most amazing thing is that our peace officers exceed every one of these expectations, and for this we remain eternally grateful.

Much like our military, peace officers are ordinary men and women who choose to answer a call to become extraordinary heroes. They are our moms, our dads, our brothers, our sisters, our neighbors, and our friends. Our peace officers understand duty before self. They understand what it means to miss holiday meals with their loved ones. They understand that long hours of calm may turn into moments of intense violence. They understand they are sentinels, standing in the gap between our loved ones and those who would do them harm.

In closing, I offer my humblest and sincerest gratitude to the families and loved ones of our wonderful peace officers. They, too understand sacrifice and commitment, and without their enduring support, the men and women behind the badge would not be able to accomplish all they do. To those who wear the badge and answer the call to serve, I humbly say thank you, and I ask my fellow Senators to join me in acknowledging them.

RECOGNIZING OUTDOOR GEAR EXCHANGE

Mr. LEAHY. Mr. President, today I wish to bring the attention of the Senate to a small business in Vermont, the Outdoor Gear Exchange, which is moving to a new location near and dear to my heart—the Church Street Marketplace in Burlington.

A large, national retailer recently chose to depart the Marketplace. This left a big hole on one of our nation's most successful pedestrian malls. The local owners of the Outdoor Gear Exchange, Marc Sherman and Mike Donahue, quickly took the opportunity to move their successful venture from a nearby side street onto Church Street.

As a longtime supporter of the Church Street Marketplace, I was pleased to see this locally owned and much-beloved fixture in the Vermont business scene fill one of the most high-profile store fronts on Church Street.

I hope Americans interested in good news during this difficult economy might take a moment to read about this great business, and I ask unanimous consent to have the May 16, 2011, Burlington Free Press article written by Dan D'Ambrosio entitled "Outdoor Gear Exchange takes its store, and philosophy, into a bigger space" printed in the RECORD.

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

[From the Burlington Free Press, May 16, 2011]

OUTDOOR GEAR EXCHANGE TAKES ITS STORE, AND PHILOSOPHY, INTO A BIGGER SPACE

At the beginning of last week, Marc Sherman, co-owner of Outdoor Gear Exchange, sat in the empty, cavernous space on Church Street where he was moving his business—in the spot Old Navy used to occupy—and contemplated the grand opening of his new store approaching on Thursday.

Sitting surrounded by partially finished displays and unopened boxes of merchandise scattered about on the concrete floor, it was hard to believe. But Sherman and his crew of 65 full-time employees were determined to be ready for this week's ribbon cutting and remarks by Gov. Peter Shumlin. Sherman said the creation of his new store—at 15,000 square feet of retail space, twice the size of the old store on Cherry Street—cost more than \$100,000.

"All of my staff is running around putting this together," Sherman said last week. "Unlike most stores, we're not moving into a store, we're building our own. That increases everyone's commitment."

Sherman said he thinks of his staff as family, and said the rush to get the new store open has been exhilarating. He's proud to be, he says, the first local store in that prime space on Church Street in a very long time.

"I have the world's greatest staff," Sherman said. "Everyone is fun and enthusiastic. They're funny and smart. I love hanging out with them. They're all really active. To me that is the most important thing about what I do. I like the people I work with."

Sherman grew up in Englewood, N.J., moving to New York City after graduating from college to take a job crunching numbers for the marketing department of a manufacturing company, a job he remembers as "not particularly exciting."

On winter weekends, he would drive to Vermont to ski at Ludlow.

"I realized every weekend I wanted to go home to New York less and less," Sherman said. "I never had a bad experience in Vermont. I said, Why not stay here and visit New York?" That was 19 years ago."

Sherman began his business with a friend in 1995 in an 800-square-foot space on Main Street, where Tonic is now. Their business plan was based on the fact that Sherman had more outdoor equipment than he knew what to do with, and his friend didn't have any.

"We wanted to connect people who have too much with people who have too little and make it affordable for them to get outside because, I'll be the first to say, the gear is expensive; the clothing is expensive," Sherman said.

Sherman quickly moved beyond consignments, settling on a three-tier model. Consignment items still make up about 8 percent of his business, all of it walk-in, but the bulk is in new clothing and gear plus seconds, close-outs and cosmetic blemishes. There are very few outdoors stores using this particular mix of product offerings, Sherman said.

"It's a model that's proven to work even if it doesn't always make sense," Sherman said. "Somebody is looking at a full-price backpack for \$450 next to somebody looking at a close-out backpack for \$250, next to somebody looking at a used backpack for \$150, and we sell to all of them. Some people want to spend more for what's out this year. Some people want to save a little. We have something for everybody."

Sherman also went his own way when it came to deciding what to stock.

"We felt if we opened a store that would focus on what consumers are looking for opposed to what manufacturers are generating,

we'd be successful," Sherman said. "We always tried to find gear our friends would buy, or that we would want to buy."

Outdoor Gear Exchange also does an online business account for 25 percent of its sales and growing, nearly doubling this year. Sherman was able to consolidate his online staff from where they were, in a space above The Body Shop on Church Street, to offices in his new space. Although he doesn't release sales figures, Sherman did say his annual payroll approaches \$1 million.

With all the extra space to work with in the new location, Sherman and co-owner Mike Donohue are getting into gear for family camping, also known as car camping, which will put them in competition with Dick's Sporting Goods in Williston. Traditionally, Outdoor Gear Exchange has focused on backpackers, climbers and hikers, "folks going out into the wilderness," Sherman said, and who place a high value on lightweight gear.

But Sherman said family camping is a growing segment of the market, especially for people his age—45 years old. It's not inexpensive to get into, but once you're set up, it is a relatively cheap vacation. The priorities for the gear are different than those for hikers and climbers.

"Car camping is a little more focused on amenities and space, as opposed to weight," Sherman said. "We'll offer tents with more features oriented toward cushy living, thicker sleeping pads, things like that."

Sherman also plans to expand his offering of casual outdoor clothing to include lower price ranges than he has historically stocked, in memory of the recently departed Old Navy.

"We're sensitive to the fact that Old Navy provided a service to folks who couldn't afford more expensive clothing," Sherman said. "Whether it was high quality or not, the bottom line is it was highly affordable. We want to make sure that doesn't become a void in the downtown, so we'll look for outdoor casual that's more affordable than what we currently sell."

Eventually, Sherman plans to add another 8,000 square feet of retail space in the basement of his new space, which he is also leasing. Panera Bread, the national chain of bakery-cafes, will also be on the main floor of the building as the only other tenant, although there will be no physical connection between the two businesses. Panera isn't expected to open for another month or two.

"I hope we get some bread smell, but that's about it," Sherman said.

ADDITIONAL STATEMENTS

TRIBUTE TO BILL GIPSON

• Mr. BLUNT. Mr. President, Bill Gipson, president and chief executive officer of Empire District Electric Company, is retiring on May 31, 2011. Bill is an example of the American dream: humble beginnings, hardworking, successful and modest.

Bill, a native of Jasper County, MO, worked his way through Missouri Southern State University earning a degree in management technology. He went to work at Empire in 1981. He was director of the utility's commercial operations and economic development departments before becoming executive vice-president in 2001 and then chief operating officer. Bill has been a member of Empire's board of directors and has served as president and chief executive

officer since 2002. During Bill's tenure as president, Empire District Electric Company's assets have doubled.

Involvement in the community has been one of Bill's trademarks. Bill is a past chairman of the Joplin Chamber of Commerce, the Missouri Chamber of Commerce and the Missouri Energy Development Association. Additionally, Bill is on the Missouri Southern State University School of Business Advisory Council, the Missouri Southern State University Foundation and a member of Rotary International.

At their annual banquet on May 5, 2011, the Joplin Chamber of Commerce named Bill the Outstanding Citizen of the Year.

Bill and his wife of 33 years, Tracy, are looking forward to their retirement home on Table Rock Lake, but I know Bill Gipson's contributions to Missouri will continue for years to come. ●

NORTH CAROLINA VETERANS PARK

• Mr. BURR. Mr. President, today I join with the citizens of North Carolina who have a long and proud history since the Nation's birth of paying special honor and respect to its sons and daughters who protect our country's freedoms. Americans from coast to coast enjoy their freedoms because of the service and sacrifices of our veterans. North Carolina is proud to be the home of Cherry Point Marine Corps Air Station, Charlotte Air National Guard, Marine Corps Base Camp Lejeune, U.S. Coast Guard Air Station Elizabeth City, Fort Bragg, Pope Army Air Field, Marine Corps Air Station New River, and Seymour Johnson Air Force Base. We are proud to be a state that one of the largest populations of veterans in the United States call home.

North Carolina has a rich military history dating back to before the Revolutionary War. In a 1771 rebellion against the royal governor, North Carolina farmers called "Regulators" employed tactics at Alamance Battleground that were later adopted as a model for fighting the British. Troops from North Carolina played a significant role in many Civil War battles, including the Battle of Gettysburg, where "Tar Heels" were prominent in Pickett's Charge. Many of the 86,000 North Carolinians who served in World War I were assigned to the 30th Infantry Division, which distinguished itself in the Somme Offensive by breaking through the famed and supposedly impregnable "Hindenburg Line," helping to hasten the end of the conflict. During World War II, the U.S. Marine Corps trained their first class of African Americans at Montford Point Base, near Camp Lejeune, and members of the North Carolina National Guard landed on the Normandy beaches. During the war in Southeast Asia soldiers from the 82nd Airborne Division at Ft. Bragg deployed to participate in the Tet Offensive and remained in theater

for 22 months. Airmen flying F-15E's from the 4th Fighter Wing out of Seymour Johnson Air Force Base were the first to lead nighttime strikes against Iraqi forces during Operation Desert Storm and helped bring the Persian Gulf war to a swift conclusion. Elements of the 2nd Marine Division from Camp Lejeune crossed into Iraq on the first day of the ground war in Operation Iraqi Freedom and later forged relationships with the Sunni tribes in Iraq's restive Anbar Province. Elite Green Berets from Fort Bragg have been operating throughout Afghanistan, expanding Village Stability Operations and seeking out terrorist leaders. And members of the Coast Guard's National Strike Force based in Elizabeth City responded to the devastating earthquakes in Haiti by conducting facility inspections around crippled Haitian ports to help resume the vital supply of aid to that poverty stricken nation.

This Fourth of July will hold special significance for North Carolina. On that day in Fayetteville, NC home to Fort Bragg, where the renowned 82nd Airborne, Eighteenth Airborne Corps, U.S. Army's Special Operations Command, and Pope Army Airfield are located, there will be a dedication of the North Carolina Veterans Park. The purpose of the Veterans Park is to honor all North Carolina veterans and serve as a centerpiece for a compilation of historic objects and images and landscaped spaces that symbolize a Nation's unending gratitude, somber reflection, and ongoing education for generations to come. It will commemorate the achievement, service, dedication, and sacrifice of our Armed Forces.

The park is adjacent to the Airborne and Special Operations Museum, which is a part of the U.S. Army Museum System, providing an exceptional educational experience and preserving the legacy of airborne and special operations forces from their early days in World War Two to the present operations in Iraq, Afghanistan and across the globe.

The city of Fayetteville has directed that the design and construction of the North Carolina Veterans Park meet or exceed all the guidelines and expectations provided by a large representative segment of the veteran population, including members of a content committee who served in all five branches of the military services: Army, Navy, Marine Corps, Coast Guard, and Air Force.

The Park consists of seven water features and public art crafted by individuals from across the State. The hands of 100 veterans were cast to honor and represent every county in North Carolina and are displayed in this park's Wall of Oath. Soil from each of the State's 100 counties will be included in the construction of the columns in the park. The sculptures in the public plaza signify our veterans' commitment, courage, dedication, heroism,

sacrifices, service, and strength, and showcase the incredible talents of our State's artists.

Please join me and the citizens of the great State of North Carolina in expressing our pride and gratitude to the veterans for their service, dedication, and sacrifice in protecting the freedoms of this country. And as we designate July 4, 2011, as "North Carolina Veterans Park Day," please reflect on the words that tell the story of the North Carolina Veterans Park:

From the soils of North Carolina
You left your families and homes
With purpose to serve your country.
In service, you made sacrifices.

You are our veterans.

This is your place to reflect on and
Share your experiences.

To feel pride in your service,
Bond with fellow veterans, and heal.

Here, may you find support and inspiration
To live your lives today.

The people of North Carolina

Honor your service and welcome you home.●

TRIBUTE TO DR. BOBBY FONG

● Mr. LUGAR. Mr. President, today I wish to recognize Dr. Bobby Fong, the outgoing president of Butler University.

Since becoming Butler University's 20th president on June 1, 2001, Dr. Fong's leadership and vision have brought financial stability, expanded academic programs, and record-breaking student enrollment and fundraising. Many are aware of Butler's prowess on the basketball court, which has introduced the Nation to "The Butler Way." Dr. Fong has further enhanced Butler University's role as a cultural and intellectual pillar of the city of Indianapolis and Indiana as a whole. I am proud of the recognition and prestige Dr. Fong and Butler University have brought to our State.

Personally, I have enjoyed many meetings with Dr. Fong over the years and appreciate his welcoming me to deliver the commencement address for the Butler College of Pharmacy and Health Sciences in May of 2010. Dr. Fong's enthusiasm and leadership have ensured the success of the annual Dick Lugar Run, Walk, and Health Fair, which has been held on the Butler campus for the last 32 years. I have treasured this partnership with the school, which has served to promote physical fitness and disease prevention.

I appreciate this opportunity to recognize Dr. Fong, and I look forward to many more opportunities to work closely with him as he pursues new challenges and opportunities.●

LOUISIANA HONORAIR

● Mr. VITTER. Mr. President, today I wish to acknowledge and honor a very special group, the Louisiana HonorAir. Louisiana HonorAir is a not-for-profit group that flies as many as 200 World War II veterans a year up to Washington, DC. On May 28, 2011, a group of

85 veterans will travel to Washington as part of this very special program.

I want to take a moment to thank all the brave veterans visiting our Capital for this trip:

Mr. Jack A. Adams; Mr. Sidney L. Agnelly; Mr. Paul K. Anderson; Ms. Theresa J.R. Anderson; Mr. Walton H. Blanchard, Sr.; Mr. James C. Bond, Sr.; Mr. James E. Bowie; Mr. Warren B. Braud; Mr. Herman Broussard; Mr. Henry A. Buchholz, Jr.; Mr. Elmer H. Cates; Ms. Bonnie Clabijo; Mr. John S. Cordero, Sr.; Mr. Robert G. Daigle, Sr.; Mr. James P. Daigre; Mr. Albert J. Daube; Mr. Dudley J. David; Mr. Henry F. Deist; Mr. Dudley E. Duhon; Mr. Rene I. Duhon; Mr. Woodrow Duhon; Mr. Sherman Faught; Mr. Arthur C. Flory.

Mr. Roman A. Guidry; Mr. Edwin Hardy; Mr. Ernest Haydel; Mr. Harold C. Hill; Mr. Lloyd E. Hogan; Ms. Lillian F. Hoover; Mr. Warren D. Huggins; Mr. Gordon L. Jarnigan; Mr. Eugene B. Johnson; Ms. Geneva R. Johnson; Mr. Hubert Lane Joyner; Mr. John M. Key; Mr. Julius J. Klos; Mr. Albert L. Klotz, Jr.; Mr. Fred C. Kraus, Jr.; Mr. Anthony Labruzzo; Mr. Emile A. Lambert, Jr.; Mr. Joseph H. Lauff, Jr.; Mr. James LeBlanc; Mr. Robert D. Lowe; Mr. Curtis J. Marcello; Mr. Eustace A. Marionneaux; Mr. Joseph T. McKay.

Mr. Stephen L. McMurray; Mr. Tanner A. Messina; Mr. Randolph J. Olano, Jr.; Mr. Roy Patton; Mr. Lawrence J. Pellegrin, Sr.; Mr. Earl J. Perere; Mr. Sidney J. Quatrevingt; Mr. William C. Rabalais; Mr. Ralph L. Richardson; Mr. Joseph J. Rockoforte; Mr. Alger J. Rodriguez; Mr. John T. Roshto; Mr. Benjamin Rush; Mr. Louis C. Salzer; Ms. Florence F. Smith; Mr. Charles C. Spence; Mr. Clifton J. Stutes; Mr. Percy Thibodeaux; Mr. Wallace W. Thibodeaux; Mr. Ernest G. Walden; Mr. Bobby E. Williams; Mr. Clifton O. Wilson.

While visiting Washington, DC, these veterans will tour the World War II Memorial, Arlington National Cemetery, the Iwo Jima Memorial, and the Korean Memorial. This program provides many veterans with their only opportunity to see the great memorials dedicated to their service. Thus, today, I ask my colleagues to join me in honoring these great Americans and thanking them for their devotion and service to our Nation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:11 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, an-

nounced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1231. An act to amend the Outer Continental Shelf Lands Act to require that each 5-year offshore oil and gas leasing program offer leasing in the areas with the most prospective oil and gas resources, to establish a domestic oil and natural gas production goal, and for other purposes.

At 2:46 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 754. An act to authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 990. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

H.R. 1229. To amend the Outer Continental Shelf Lands Act to facilitate the safe and timely production of American energy resources from the Gulf of Mexico, to require the Secretary of the Interior to conduct certain offshore oil and gas lease sales, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1231. An act to amend the Outer Continental Shelf Lands Act to require that each 5-year offshore oil and gas leasing program offer leasing in the areas with the most prospective oil and gas resources, to establish a domestic oil and natural gas production goal, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1662. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Minimizing the Use of Materials Containing Hexavalent Chromium" ((RIN0750-AG35) (DFARS Case 2009-D004)) received in the Office of the President of the Senate on May 10, 2011; to the Committee on Armed Services.

EC-1663. A communication from the Under Secretary of Defense (Comptroller), Department of Defense, transmitting, pursuant to law, a quarterly report entitled, "Acceptance of Contributions for Defense Programs, Projects, and Activities"; to the Committee on Armed Services.

EC-1664. A communication from the Associate General Counsel for Legislation and

Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "HUD Multifamily Rental Projects: Regulatory Revisions" (RIN2502-AI95) received in the Office of the President of the Senate on May 10, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1665. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-1666. A communication from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Version One Regional Reliability Standard for Transmission Operations" ((RIN1902-AE20) (Docket No. RM09-14-000)) received in the Office of the President of the Senate on May 10, 2011; to the Committee on Energy and Natural Resources.

EC-1667. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana" (FRL No. 9304-8) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Environment and Public Works.

EC-1668. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Revised Carbon Monoxide Maintenance Plan for Lowell" (FRL No. 9305-1) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Environment and Public Works.

EC-1669. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Prevention of Significant Deterioration; Greenhouse Gas Permitting Authority and Tailoring Rule Revision" (FRL No. 9305-2) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Environment and Public Works.

EC-1670. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Branded Prescription Drug Sales—Dispute Resolution Process for 2011 Preliminary Fee Calculation" (Rev. Proc. 2011-24) received in the Office of the President of the Senate on May 11, 2011; to the Committee on Finance.

EC-1671. 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 "Modifications to Treatment of Aircraft and Vessel Leasing Income" (RIN1545-BG98) received in the Office of the President of the Senate on May 11, 2011; to the Committee on Finance.

EC-1672. 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 "Extension of Withholding to Certain Payments Made by Government Entities" (RIN1545-BG45) received in the Office of the President of the Senate on May 11, 2011; to the Committee on Finance.

EC-1673. A communication from the Chief of the Publications and Regulations Branch, Joint Board for the Enrollment of Actuaries, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing the Performance of Actuarial Services Under the Employee Retirement Income Security Act of 1974" (RIN1545-BC82) received in the Office of the President of the Senate on May 11, 2011; to the Committee on Finance.

EC-1674. 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 "Specified Tax Return Preparers Required to File Individual Income Tax Returns Using Magnetic Media" (RIN1545-BJ52) received in the Office of the President of the Senate on May 11, 2011; to the Committee on Finance.

EC-1675. A communication from the Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and U.S. civilian contractors involved in the anti-narcotics campaign in Colombia (OSS Control No. 2011-0810); to the Committee on Foreign Relations.

EC-1676. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Canada for the manufacture of M151 Remote Weapons Station components; to the Committee on Foreign Relations.

EC-1677. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to India for the manufacture, assembly integration, testing and repair of the Enhanced Position Location Reporting System Extended Frequency-International (EPLRS-XF-1) MicroLight-I and MicroLight-DH500 and ancillary equipment; to the Committee on Foreign Relations.

EC-1678. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Russia for the RD-180 Liquid Propellant Rocket Engine Program in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-1679. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a proposed amendment to parts 120, 124, and 126 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC-1680. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to overseas surplus property; to the Committee on Foreign Relations.

EC-1681. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Raton, NM" ((RIN2120-AA66) (Docket No. FAA-2010-1239)) received in the Office of the President of the Senate on May 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1682. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model DHC-8-101, -102, -103, -106, -201, -202, -301, -311, -315, -401, and -402 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1157)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1683. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 777-200, -200LR, -300, and -300ER Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1205)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1684. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model BAe 146 Airplanes, and Model Avro 146-RJ Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1308)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1685. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 Series Airplanes; and Model A300 B4-600, A300 B4-600R, A300 F4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes)" ((RIN2120-AA64) (Docket No. FAA-2010-0803)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1686. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 777-200, -300, and -300ER Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1271)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1687. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Model 382, 382B, 382E, 382F, 382G Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0233)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1688. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting the report of a draft bill entitled "Civilian Property Realignment Act"; to the Committee on Homeland Security and Governmental Affairs.

EC-1689. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the third quarter fiscal year 2010 quarterly report of the Department's Office of Privacy and Civil Liberties; to the Committee on the Judiciary.

EC-1690. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spirotetramat; Pesticide Tolerances" (FRL No. 8865-8) received in the Office of the President of the Senate on May 12, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1691. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 on November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-1692. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13405 with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC-1693. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Corporate Credit Unions" (RIN3133-AD80) received in the Office of the President of the Senate on May 12, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1694. 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 "The Mailing of Individual Income Tax Returns by Specified Tax Return Preparers Calendar Year 2011" (Notice 2011-27) received in the Office of the President of the Senate on May 12, 2011; to the Committee on Finance.

EC-1695. 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 "Undue Hardship Waivers and Taxpayers Choice Statement" (Rev. Proc. 2011-25) received in the Office of the President of the Senate on May 12, 2011; to the Committee on Finance.

EC-1696. 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 "Industry Director's Directive No. 2—Employment Tax and the Employees on the U.S. Outer Continental Shelf" (LBandI-4-0211-005) received in the Office of the President of the Senate on May 12, 2011; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE (for himself, Mr. COCHRAN, Mr. VITTER, Mr. BOOZMAN, Mr. RISCH, and Mr. CRAPO):

S. 999. A bill to amend the Safe Drinking Water Act to prevent the enforcement of certain national primary drinking water regulations unless sufficient funding is available; to the Committee on Environment and Public Works.

By Mrs. SHAHEEN (for herself and Mr. PORTMAN):

S. 1000. A bill to promote energy savings in residential and commercial buildings and industry, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself and Ms. STABENOW):

S. 1001. A bill to reduce oil consumption and improve energy security, and for other

purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself, Mr. KYL, Ms. KLOBUCHAR, Mr. BROWN of Ohio, Mr. WHITEHOUSE, Mr. SESSIONS, Mr. GRAHAM, Mr. COONS, Mr. BENNET, Mr. LUGAR, Mr. NELSON of Florida, Mr. CASEY, Mr. BLUMENTHAL, and Mr. LAUTENBERG):

S. 1002. A bill to prohibit theft of medical products, and for other purposes; to the Committee on the Judiciary.

By Mr. TESTER:

S. 1003. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to limit the liability of a State performing reclamation work under an approved State approved mine reclamation plan; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Ms. MIKULSKI, Mrs. GILLIBRAND, Mr. KERRY, Mr. CASEY, and Mr. FRANKEN):

S. 1004. A bill to support Promise Neighborhoods; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOOZMAN (for himself, Mr. GRAHAM, Mr. RISCH, Mr. COATS, Mr. THUNE, and Mr. JOHANNIS):

S. 1005. A bill to provide for parental notification and intervention in the case of a minor seeking an abortion; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. THUNE, Mr. MENENDEZ, Mr. CASEY, and Mr. RISCH):

S. Res. 185. A resolution reaffirming the commitment of the United States to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations, reaffirming opposition to the inclusion of Hamas in a unity government unless it is willing to accept peace with Israel and renounce violence, and declaring that Palestinian efforts to gain recognition of a state outside direct negotiations demonstrates absence of a good faith commitment to peace negotiations, and will have implications for continued United States aid; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 89

At the request of Mr. VITTER, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 89, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 468

At the request of Mr. MCCONNELL, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 468, a bill to amend the Federal Water Pollution Control Act to

clarify the authority of the Administrator to disapprove specifications of disposal sites for the discharge of, dredged or fill material, and to clarify the procedure under which a higher review of specifications may be requested.

S. 547

At the request of Mrs. MURRAY, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 547, a bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education.

S. 579

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 579, a bill to amend title 10, United States Code, to direct the Secretary of Defense to provide members of the Individual Ready Reserve, Individual Mobilization Augmentees, and inactive members of the National Guard who served in Afghanistan or Iraq with information on counseling to prevent suicide, and for other purposes.

S. 618

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 618, a bill to promote the strengthening of the private sector in Egypt and Tunisia.

S. 641

At the request of Mr. DURBIN, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 641, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 668

At the request of Mr. CORNYN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 668, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 707

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 722

At the request of Mr. WYDEN, the names of the Senator from Delaware (Mr. COONS) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 722, a bill to strengthen and protect Medicare hospice programs.

S. 738

At the request of Ms. STABENOW, the names of the Senator from California

(Mrs. BOXER) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 738, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning.

S. 752

At the request of Mrs. FEINSTEIN, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 815

At the request of Ms. SNOWE, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 815, a bill to guarantee that military funerals are conducted with dignity and respect.

S. 838

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

S. 871

At the request of Mr. COBURN, the names of the Senator from Tennessee (Mr. CORKER), the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 871, a bill to repeal the Volumetric Ethanol Excise Tax Credit.

S. 906

At the request of Mr. WICKER, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 906, a bill to prohibit taxpayer funded abortions and to provide for conscience protections, and for other purposes.

S. 946

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 946, a bill to establish an Office of Rural Education Policy in the Department of Education.

S. 951

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 951, a bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans, and for other purposes.

S. 953

At the request of Mr. MCCONNELL, the name of the Senator from Florida

(Mr. RUBIO) was added as a cosponsor of S. 953, a bill to authorize the conduct of certain lease sales in the Outer Continental Shelf, to amend the Outer Continental Shelf Lands Act to modify the requirements for exploration, and for other purposes.

S. 958

At the request of Mr. CASEY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 958, a bill to amend the Public Health Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs.

S. 964

At the request of Mr. ALEXANDER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 964, a bill to amend the National Labor Relations Act to clarify the applicability of such Act with respect to States that have right to work laws in effect.

S. 967

At the request of Mr. MERKLEY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 967, a bill to establish clear regulatory standards for mortgage servicers, and for other purposes.

S. 973

At the request of Mr. WHITEHOUSE, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 973, a bill to create the National Endowment for the Oceans to promote the protection and conservation of the United States ocean, coastal, and Great Lakes ecosystems, and for other purposes.

S. 982

At the request of Ms. AYOTTE, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 982, a bill to reaffirm the authority of the Department of Defense to maintain United States Naval Station, Guantanamo Bay, Cuba, as a location for the detention of unprivileged enemy belligerents held by the Department of Defense, and for other purposes.

S. 993

At the request of Mr. CORNYN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 993, a bill to amend the Internal Revenue Code of 1986 to prevent the extension of the tax collection period merely because the taxpayer is a member of the Armed Forces who is hospitalized as a result of combat zone injuries.

S. CON. RES. 4

At the request of Mr. SCHUMER, the names of the Senator from Massachusetts (Mr. BROWN) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a me-

morial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

S. CON. RES. 17

At the request of Mr. MENENDEZ, the names of the Senator from Virginia (Mr. WEBB) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Con. Res. 17, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. RES. 132

At the request of Mr. NELSON of Nebraska, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 132, a resolution recognizing and honoring the zoos and aquariums of the United States.

S. RES. 175

At the request of Mrs. SHAHEEN, the names of the Senator from Arizona (Mr. KYL) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 175, a resolution expressing the sense of the Senate with respect to ongoing violations of the territorial integrity and sovereignty of Georgia and the importance of a peaceful and just resolution to the conflict within Georgia's internationally recognized borders.

S. RES. 180

At the request of Mr. LIEBERMAN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. Res. 180, a resolution expressing support for peaceful demonstrations and universal freedoms in Syria and condemning the human rights violations by the Assad regime.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE (for himself, Mr. COCHRAN, Mr. VITTER, Mr. BOOZMAN, Mr. RISCH, and Mr. CRAPO):

S. 999. A bill to amend the Safe Drinking Water Act to prevent the enforcement of certain national primary drinking water regulations unless sufficient funding is available; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I rise today to introduce the Small System Drinking Water Act of 2011. This is the fourth Congress that I have introduced this bill which would help water systems throughout the country comply with the ever growing number of federal drinking water standards. I am pleased to be joined by Senators THAD COCHRAN, DAVID VITTER, JOHN BOOZMAN, JAMES RISCH, and MIKE CRAPO as cosponsors of this legislation. My bill will require the Federal Government to live up to its obligations and require the EPA to use the tools it was given in the 1996 Safe Drinking Water Act amendments, SDWA.

My goal here is to ensure that small towns across the country have safe, affordable drinking water and that the

laws are fair to small and rural communities. Currently EPA assumes that families can afford water rates of 2.5 percent of their annual median household income, or \$1,000 per household. For some families, paying \$83 a month for water may not be a hardship but for so many more, it is nearly impossible. There must be some flexibility inserted into the calculation that factors in the ability of the truly disadvantaged to pay these costs. Forcing systems to raise rates beyond what their rate-payers can afford only causes more damage than good.

EPA needs to look more closely at how it determines affordability. My bill directs EPA to take additional factors into consideration when making this determination. These include ensuring that the affordability criteria are not more costly on a per-capita basis to a small water system than to a large water system.

In EPA's most recent drinking water needs survey, Oklahoma identified a total of over \$4.1 billion in drinking water needs over the next 20 years. \$2.4 billion of that need is for community water systems that serve fewer than 10,000 people. The \$4.1 billion does not include the total costs imposed on Oklahoma communities to meet federal clean water requirements, the new Groundwater rule, the DBP II rule or the Long Term 2 Enhanced Surface Water Treatment Rule. Oklahoma continues to have municipalities struggling with the 2002 arsenic rule. Many of our small systems are having difficulty with the Disinfection Byproducts, DBP, Stage I rule, and small systems who purchase water from other systems and did not have to test, treat or monitor their water must now comply with DBP II. EPA estimates that over the next 20 years, the entire country will need \$52.0 billion to come into compliance with existing, proposed or recently promulgated regulations.

My bill proposes a few simple steps to help systems comply with all these rules. First, it reauthorizes the technical assistance program in the Safe Drinking Water Act. The DBP rules are very complex and involve a lot of monitoring and testing. If we are going to impose complicated requirements on systems, we need to provide them with help to implement those requirements.

The bill creates a pilot program to demonstrate new technologies and approaches for systems of all sizes to comply with these complicated rules. It requires the EPA to convene a working group to examine the science behind the rules in order to compare new developments since each rule's publication.

Section 1412(b)(4)(E) of the SDWA Amendments of 1996 authorizes the use of point of entry treatment, point of use treatment and package plants to economically meet the requirements of the act. However, to date, these approaches are not widely used by small water systems. My legislation directs the EPA to convene a working group to

identify barriers to the use of these approaches. The EPA will then use the recommendations of the working group to draft a model guidance document that states can use to create their own programs.

Most importantly this bill requires the Federal Government to pay for these unfunded mandates created by laws and regulations. In 1995, Congress passed the Unfunded Mandates Reform Act to ensure that the Federal Government pays the costs incurred by state and local governments in complying with Federal laws. My bill is designed to ensure that EPA cannot take an enforcement action against a system serving less than 10,000 people, without first ensuring that it has sufficient funds to meet the requirements of the regulation.

Since the 108th Congress, I have co-authored and cosponsored legislation to provide additional resources to communities through the State Revolving Loan Funds. Unfortunately, not much has changed. We still have too many regulations and not enough money to pay for them. Funding legislation is important but until that money becomes available, it is unreasonable to penalize and fine local communities because they cannot afford to pay for regulations we imposed on them. I thank my colleagues and look forward to their support of this commonsense proposal.

By Mr. WYDEN (for himself and Ms. STABENOW):

S. 1001. A bill to reduce oil consumption and improve energy security, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today Sen. STABENOW and I are introducing legislation designed to reduce our dependence on imported oil by replacing it with cleaner, domestic sources of energy to power our cars, trucks, buses, tractors, and ships. The only way to reduce our Nation's dependence on foreign oil is to reduce our dependence on oil. When it comes to reducing our use of oil, transportation is where the vast bulk of America's oil use is. Over 70 percent of all of the oil used in the U.S. is used for transportation. Unless we do something about the amount of oil used by our transportation sector, we have no chance of making a significant dent in our dependence on oil. The goal of this bill is to replace a significant portion of that oil with home-grown alternative fuels—electricity, natural gas, propane, biofuels, and hydrogen. We believe this will create jobs and economic growth here in the U.S. and reduce the relentless flow of dollars overseas to buy oil.

Many of our colleagues share our concern and have been strong advocates for individual vehicle technologies. Indeed, both Sen. STABENOW and I voted last year in the Senate Energy Committee to support legislation by Sen. DORGAN, Sen. MERKLEY and Sen. ALEXANDER to promote electric

vehicles. With electric vehicles, fuel can come from many sources, and very little of it from oil. With plug-in electric technology now hitting the streets, you can literally use power from a wind turbine to drive to the store. Sen. MENENDEZ and Sen. REID have offered bills to promote natural gas vehicles. Natural gas is a natural fuel for many vehicle applications and it now appears that there are significant new natural gas resources here in North America that could be tapped to replace imported oil.

At the end of the day, however, different fuels are going to work better in different types of vehicles and in different parts of the country. For that reason, our bill does not pick technology winners and losers. It is "technology neutral," "geography neutral" and "market neutral." An alternative fuel that is readily available in one part of the country may not be readily available in every part of the country, or it may not work as well in an 18 wheel tractor-trailer as in the family car. Our bill does not chose which fuel is used where, or for what kind of vehicles. We leave that up to the free market so that fuel providers and vehicle manufacturers can compete for what works best for their customers.

While it is true that cars and pick-up trucks use about 63 percent of all transportation fuel, that still means that well over a third is used in other kinds of vehicles. Medium and heavy trucks and buses, for example, use about 20 percent of all motor fuel. Our bill is aimed at making inroads on oil imports all up and down the road, in all kinds of vehicles, and even for off-road vehicles and engines that aren't on the road at all.

Our bottom line goal is to help American businesses, which build vehicles and supply fuel, provide genuine alternatives to conventional fuels and engine technologies so that Americans can reduce our dependence on foreign oil. The bill does this by providing a set of tools to promote the deployment of these technologies while keeping in mind the difficult budget situation the country faces. In several instances, the bill modifies existing programs, rather than create new ones, and it includes a source of funds to pay for the new programs it does create.

First, the bill takes the existing advanced vehicle manufacturing support program at the U.S. Department of Energy, which is now focused on providing financial support to major manufacturers of light duty vehicles, and opens it up to alternative fuel technologies. It also expands the program to component manufacturers further down the supply chain and to the production of medium and heavy trucks, buses, and transit vehicles and lifts the cap on the amount of loans that can be made to American manufacturers and their suppliers.

Alternative fuel vehicles need alternative fuel. So the next major initiative in the bill is to provide financial

support for the production and distribution of those alternative fuels. Again, instead of creating a whole new program to support this alternative fuel infrastructure, the bill modifies the existing clean energy Department of Energy loan guarantee program created section 1703 of the Energy Policy Act of 2005. This loan program was aimed at financing new, innovative low-carbon electricity generation technologies. That is all well and good, but those investments do not address the very real energy security challenge facing our country from oil imports, especially since so little electricity in the U.S. is actually generated using oil. Our bill would allow this already existing program to be used for alternative fuel infrastructure.

The bill includes additional measures to provide technical assistance to States and local governments, public-private partnerships and utility companies and utility commissions to help overcome barriers to the deployment of these alternative fuel vehicles. The bill provides worker training and technology research programs to make sure there is a skilled workforce and new technologies. Taken altogether, these provisions are designed to provide the tools for manufacturers, parts suppliers, fuel providers, transportation planners, utility regulators, and State and local officials to deploy alternative fuel vehicles, and the fuels to power them, in numbers that make a difference and truly reduce our dependence on imported oil.

Finally, the bill includes a funding offset by capping the size of the Strategic Petroleum Reserve, SPR, at 90 days of non-North American crude oil and petroleum fuel imports. Under current law, the SPR is supposed to grow to 1 billion barrels at a cost of over \$5 billion for construction and, at current prices, over \$30 billion to fill it with oil. Buying more insurance doesn't make that old car any safer. While I support having a Strategic Petroleum Reserve, the plain truth of the matter is that spending billions of additional dollars to put more oil into the SPR will not reduce our dependence on oil imports by a single barrel. This bill would take the money generated by reducing the size of the SPR and reinvest it in alternative energy technologies that will, in fact, genuinely reduce that dependence. Rather than putting more oil in the ground for short-term supply emergencies, we put American innovation to work to reduce our Nation's oil dependence permanently.

I applaud my colleague from Oregon, Senator MERKLEY, and our other Senate colleagues, for recognizing that new vehicle technologies now entering the market are not just scientific curiosities, but game-changing opportunities to finally get our country off of its addiction to oil. I look forward to working with them to enact programs and policies that ensure these alternative fuel technologies succeed in the marketplace.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Alternative Fuel Vehicles Competitiveness and Energy Security Act of 2011”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.

TITLE I—ALTERNATIVE FUEL VEHICLE DEPLOYMENT AND INFRASTRUCTURE DEVELOPMENT

- Sec. 101. Loan guarantees for alternative fuel infrastructure.
- Sec. 102. Advanced technology vehicles manufacturing incentive program.
- Sec. 103. Conventional fuel replacement calculation and assessment.
- Sec. 104. Technical assistance and coordination.
- Sec. 105. Workforce training.
- Sec. 106. Reduction of engine idling and conventional fuel consumption.
- Sec. 107. Electric and natural gas utility and oil pipeline participation.
- Sec. 108. HOV lane access extension.
- Sec. 109. Research, development, and demonstration.

TITLE II—FUNDING AND OFFSETS

- Sec. 201. Authorization of appropriations.
- Sec. 202. Strategic Petroleum Reserve.
- Sec. 203. Transfers.

SEC. 2. DEFINITIONS.

In this Act:

(1) ALTERNATIVE FUEL.—The term “alternative fuel” has the meaning given the term in section 30B(e)(4) of the Internal Revenue Code of 1986.

(2) ALTERNATIVE FUEL VEHICLE.—The term “alternative fuel vehicle” means—

(A) a new qualified alternative fuel motor vehicle (as defined in section 30B(e)(4) of the Internal Revenue Code of 1986);

(B) a mixed-fuel vehicle (as defined in section 30B(e)(5)(B) of that Code);

(C) a new qualified plug-in electric drive motor vehicle (as defined in section 30D(d) of that Code); or

(D) a nonroad vehicle manufactured to primarily use an alternative fuel.

(3) COMMUNITY COLLEGE.—The term “community college” has the meaning given the term “junior or community college” in section 312 of the Higher Education Act of 1965 (20 U.S.C. 1058).

(4) DEPARTMENT.—The term “Department” means the Department of Energy.

(5) NONROAD VEHICLE.—

(A) IN GENERAL.—The term “nonroad vehicle” means a vehicle that is not licensed for onroad use.

(B) INCLUSIONS.—The term “nonroad vehicle” includes a vehicle described in subparagraph (A) that is used principally—

(i) for industrial, farming, or commercial use;

(ii) for rail transportation;

(iii) at an airport; or

(iv) for marine purposes.

(6) SECRETARY.—The term “Secretary” means the Secretary of Energy.

TITLE I—ALTERNATIVE FUEL VEHICLE DEPLOYMENT AND INFRASTRUCTURE DEVELOPMENT

SEC. 101. LOAN GUARANTEES FOR ALTERNATIVE FUEL INFRASTRUCTURE.

(a) IN GENERAL.—Section 1703(a) of the Energy Policy Act of 2005 (42 U.S.C. 16513(a)) is amended—

(1) in paragraph (1), by striking “and” after the semicolon at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

“(2) reduce oil imports through the use of alternative fuel (as defined in section 30B(e)(4) of the Internal Revenue Code of 1986); and”.

(b) CATEGORIES.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by adding at the following:

“(1) The production and distribution of—

“(A) alternative fuel (as defined in section 30B(e)(4) of the Internal Revenue Code of 1986); or

“(B) advanced biofuel (as defined in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)))”.

SEC. 102. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.

Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(ii) in the matter preceding clause (i) (as redesignated by clause (i)), by striking “means an ultra efficient vehicle or a light duty vehicle that meets—” and inserting “means—

“(A) an ultra efficient vehicle or a light duty vehicle that meets—”;

(iii) in clause (iii) (as redesignated by clause (i)), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

“(B) a vehicle (such as a medium-duty or heavy-duty work truck, bus, or rail transit vehicle) that—

“(i) is used on a public street, road, highway, or transitway;

“(ii) meets each applicable emission standard that is established as of the date of the application; and

“(iii) will reduce consumption of conventional motor fuel by 25 percent or more, as compared to existing surface transportation technologies that perform a similar function, unless the Secretary determines that—

“(I) the percentage is not achievable for a vehicle type or class; and

“(II) an alternative percentage for that vehicle type or class will result in substantial reductions in motor fuel consumption within the United States; and

“(C) an alternative fuel vehicle (as defined in section 2 of the Alternative Fuel Vehicles Competitiveness and Energy Security Act of 2011) that—

“(i) meets each applicable emission standard that is established as of the date of the application; and

“(ii) will reduce consumption of conventional fuel by 25 percent or more, as compared to existing surface transportation technologies that perform a similar function, unless the Secretary determines that—

“(I) the percentage is not achievable for a vehicle type or class; and

“(II) an alternative percentage for that vehicle type or class will result in substantial reductions in conventional fuel consumption within the United States.”;

(B) in paragraph (3)(B)—
 (i) by striking “equipment and” and inserting “equipment,”; and
 (ii) by inserting “, and manufacturing process equipment” after “suppliers”; and
 (C) by striking paragraph (4) and inserting the following:

“(4) **QUALIFYING COMPONENTS.**—The term ‘qualifying components’ means components, systems, or groups of subsystems that the Secretary determines—

“(A) to be designed to improve fuel economy or the substitution of conventional fuel with—

“(i) alternative fuel (as defined in section 30B(e)(4) of the Internal Revenue Code of 1986); or

“(ii) advanced biofuel (as defined in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1))); or

“(B) to contribute measurably to the overall improved fuel use of an advanced technology vehicle, including idle reduction technologies.”;

(2) in subsection (b), in the matter preceding paragraph (1), by striking “to automobile” and inserting “to advanced technology vehicle”;

(3) in subsection (d)(1), in the first sentence, by striking “a total of not more than \$25,000,000,000 in”;

(4) in subsection (h)—

(A) in the subsection heading, by striking “AUTOMOBILE” and inserting “ADVANCED TECHNOLOGY VEHICLE”; and

(B) in paragraph (1)(B), by striking “automobiles” each place it appears and inserting “advanced technology vehicles”; and

(5) in subsection (i), by striking “2012” and inserting “2016”.

SEC. 103. CONVENTIONAL FUEL REPLACEMENT CALCULATION AND ASSESSMENT.

(a) **METHODOLOGY.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall, by rule, develop a methodology for calculating the equivalent volumes of conventional fuel displaced by use of each alternative fuel to assess the effectiveness of alternative fuel and alternative fuel vehicles in reducing oil imports.

(b) **NATIONAL ASSESSMENT.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall—

(1) conduct a national assessment (using the methodology developed under subsection (a)) of the effectiveness of alternative fuel and alternative fuel vehicles in reducing oil imports into the United States, including as assessment of—

(A) market penetration of alternative fuel and alternative fuel vehicles in the United States;

(B) successes and barriers to deployment identified by the programs established under this Act; and

(C) the maximum feasible deployment of alternative fuel and alternative fuel vehicles by 2020 and 2030; and

(2) report to Congress the results of the assessment.

SEC. 104. TECHNICAL ASSISTANCE AND COORDINATION.

(a) **TECHNICAL ASSISTANCE TO STATE, LOCAL, AND TRIBAL GOVERNMENTS.**—

(1) **IN GENERAL.**—In carrying out this title, the Secretary shall provide, at the request of the Governor, mayor, county executive, public utility commissioner, or other appropriate official or designee, technical assistance to State, local, and tribal governments or to a public-private partnership described in paragraph (2) to assist with the deployment of alternative fuel and alternative fuel vehicles and infrastructure.

(2) **PUBLIC-PRIVATE PARTNERSHIP.**—Technical assistance under this section may be awarded to a public-private partnership,

comprised of State, local or tribal governments and nongovernmental entities, including—

(A) electric or natural gas utilities or other alternative fuel distributors;

(B) vehicle manufacturers;

(C) alternative fuel vehicle or alternative fuel technology providers;

(D) vehicle fleet owners;

(E) transportation and freight service providers; or

(F) other appropriate non-Federal entities, as determined by the Secretary.

(3) **ASSISTANCE.**—The technical assistance described in paragraph (1) may include—

(A) coordination in the selection, location, and timing of alternative fuel recharging and refueling equipment and distribution infrastructure, including the identification of transportation corridors and specific alternative fuels that would be made available;

(B) development of protocols and communication standards that facilitate vehicle refueling and recharging into electric, natural gas, and other alternative fuel distribution systems;

(C) development of codes and standards for the installation of alternative fuel distribution and recharging and refueling equipment;

(D) education and outreach for the deployment of alternative fuel and alternative fuel vehicles; and

(E) utility rate design and integration of alternative fuel vehicles into electric and natural gas utility distribution systems.

(b) **COST SHARING.**—Cost sharing for assistance awarded under this section shall be consistent with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$50,000,000 for each of fiscal years 2012 through 2016.

SEC. 105. WORKFORCE TRAINING.

(a) **WORKFORCE TRAINING.**—

(1) **IN GENERAL.**—The Secretary, in consultation with the Secretary of Labor, shall award grants to community colleges, other institutions of higher education, and other qualified training and education institutions for the establishment or expansion of programs to provide training and education for vocational workforce development for—

(A) the manufacture and maintenance of alternative fuel vehicles; and

(B) the manufacture and installation and inspection of alternative fuel recharging, refueling, and distribution infrastructure.

(2) **PURPOSE.**—Training funded under this subsection shall be intended to ensure that the workforce has the necessary skills needed to manufacture, install, and maintain alternative fuel infrastructure and alternative fuel vehicles.

(3) **SCOPE.**—Training funded under this subsection shall include training for—

(A) electricians, plumbers, pipefitters, and other trades and contractors who will be installing alternative fuel recharging, refueling, and distribution infrastructure;

(B) building code inspection officials;

(C) vehicle, engine, and powertrain dealers and mechanics; and

(D) others positions as the Secretary determines necessary to successfully deploy alternative fuels and vehicles.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$50,000,000 for each of fiscal years 2012 through 2016.

SEC. 106. REDUCTION OF ENGINE IDLING AND CONVENTIONAL FUEL CONSUMPTION.

(a) **DEFINITION OF IDLE REDUCTION TECHNOLOGY.**—Section 756(a)(5) of the Energy Policy Act of 2005 (42 U.S.C. 16104(a)(5)) is amended—

(1) in subparagraph (A), by striking “and” after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(C) uses an alternative fuel to reduce consumption of conventional fuel and environmental emissions.”.

(b) **FUNDING.**—Section 756(b)(4)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16104(b)(4)(B)) is amended in clauses (i) and (ii) by striking “fiscal year 2008” each place it appears and inserting “each of fiscal years 2008 through 2016”.

SEC. 107. ELECTRIC AND NATURAL GAS UTILITY AND OIL PIPELINE PARTICIPATION.

(a) **IN GENERAL.**—The Secretary shall identify barriers and remedies in existing electric and natural gas and oil pipeline transmission and distribution systems to the distribution of alternative fuels and the deployment of alternative fuel recharging and refueling capability, at economically competitive costs of alternative fuel for consumers, including—

(1) model regulatory rate design and billing for recharging and refueling alternative fuel vehicles;

(2) electric grid load management and applications that will allow batteries in plug-in electric drive vehicles to be used for grid storage, ancillary services provision, and backup power;

(3) integration of plug-in electric drive vehicles with smart grid technology, including protocols and standards, necessary equipment, and information technology systems;

(4) technical and economic barriers to transshipment of biofuels by oil pipelines; and

(5) any other barriers to installing sufficient and appropriate alternative fuel recharging and refueling infrastructure.

(b) **CONSULTATION.**—The Secretary shall carry out this section in consultation with—

(1) the Federal Energy Regulatory Commission;

(2) State public utility commissions;

(3) State consumer advocates;

(4) electric and natural gas utility and transmission owners and operators;

(5) oil pipeline owners and operators; and

(6) other affected entities.

(c) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing actions taken to carry out this section.

SEC. 108. HOV LANE ACCESS EXTENSION.

Section 166(b)(5) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking “Before September 30, 2009, the State” and inserting “The State”; and

(2) in subparagraph (B), by striking “Before September 30, 2009, the State” and inserting “The State”.

SEC. 109. RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) **RESEARCH, DEVELOPMENT, AND DEMONSTRATION.**—

(1) **IN GENERAL.**—The Secretary, in consultation with the Secretary of Defense, the Secretary of Commerce, and the Secretary of Transportation, shall support research, development, and demonstration of alternative fuel vehicles and charging and refueling technology, including support for the manufacture and deployment of those vehicles and technologies, that will—

(A) allow the United States to meet or exceed the petroleum import reduction goals of this Act;

(B) develop technologies that minimize life-cycle energy use in the production and distribution of alternative fuels; and

(C) maintain United States technological leadership in alternative vehicle technology.

(2) USE OF FUNDS.—The program may include funding for—

(A) the development of alternative fuel vehicle technologies, including new technologies for on-board alternative fuel and energy storage and drive train components for vehicles; and

(B) production and distribution technologies and systems for alternative fuels, including—

(i) grid connectivity technology for electric vehicles;

(ii) recycling technology and practicable uses of catalysts;

(iii) vehicle batteries; and

(iv) other components after the useful life in a vehicle or alternative fuel production facility.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$100,000,000 for each of fiscal years 2012 through 2016.

TITLE II—FUNDING AND OFFSETS

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Except as otherwise provided in this Act, there are authorized to be appropriated to carry out this Act and the amendments made by this Act such sums as are necessary.

SEC. 202. STRATEGIC PETROLEUM RESERVE.

(a) LEVEL.—Section 154(a) of the Energy Policy and Conservation Act (42 U.S.C. 6234(a)) is amended by striking “1 billion barrels of petroleum products” and inserting “the quantity of crude oil and petroleum fuels imported into the United States each year from countries that are not signatories to North American Free Trade Agreement during an average 90-day period during the most recent calendar year for which data are available”.

(b) FILLING STRATEGIC PETROLEUM RESERVE TO CAPACITY.—Section 301(e) of the Energy Policy Act of 2005 (42 U.S.C. 6240 note; Public Law 109-58) is amended by striking paragraph (1).

SEC. 203. TRANSFERS.

(a) FISCAL YEAR 2009.—Of the funds appropriated under section 101 of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329; 122 Stat. 3574) for the Strategic Petroleum Reserve under the heading “Strategic Petroleum Reserve” of title III of the Energy and Water Development and Related Agencies Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1959), \$31,500,000 is transferred to carry out this Act and the amendments made by this Act.

(b) FISCAL YEAR 2010.—Of the funds appropriated under the heading “Strategic Petroleum Reserve” of title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85; 123 Stat. 2862), \$25,000,000 is transferred to carry out this Act and the amendments made by this Act.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, any proceeds from the sale or exchange of oil necessary to reach and maintain the authorized capacity established pursuant to section 154(a) of the Energy Policy and Conservation Act (42 U.S.C. 6234(a)) and provide for normal maintenance and operation of the Reserve shall be transferred to carry out this Act and the amendments made by this Act.

By Mr. HARKIN (for himself, Ms. MIKULSKI, Mrs. GILLIBRAND, Mr. KERRY, Mr. CASEY, and Mr. FRANKEN):

S. 1004. A bill to support Promise Neighborhoods; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, in many of our Nation’s poorest communities,

children and families do not have access to the educational opportunities that enable youth to start school ready to learn and graduate from secondary school ready to succeed in college and the workforce, achieve economic self-sufficiency, and support families of their own someday.

As chairman of the Health, Education, Labor and Pensions Committee, it is my responsibility to lead the reauthorization of the Elementary and Secondary Education Act, which affords an exciting opportunity to improve the quality of elementary and secondary education for our children and youth. Our Nation’s future economic strength and national security require well-educated workers who are not only academically prepared, but also healthy, understand the importance of community and civic participation, and possess the skills needed to successfully compete in the 21st century global economy. To accomplish these goals, children and youth must have access to a great education and safe and supportive community, beginning at birth.

However, in too many communities the consequences of poverty limit the chances students have to obtain a solid academic foundation that leads to college and career success. That is why we need Promise Neighborhoods. Promise Neighborhood partnerships leverage community assets to significantly improve academic outcomes, including school readiness, high school graduation and college entry and completion. Promise Neighborhood partners use data-driven decisionmaking to guide investments in a community-based continuum of high-quality services and evidence-based practices that address the needs of children, from birth through college and career entry. The reauthorization of ESEA provides us with an opportunity to build upon the successes of Promise Neighborhoods, of which there are more than 40 across the country, to ensure that children and youth have access to good schools, integrated students supports and other wrap-around services needed to ensure academic, as well as social and emotional, growth and development.

The lack of supports for families and children in distressed neighborhoods has a profound impact on student achievement and development. Children from poor families are less likely to have access to nutritious foods, high-quality early learning programs, adults who read to them every day, and basic health care. As a result, these children are more likely to experience sickness and developmental delays, chronic hunger and homelessness, and abuse and neglect—all of which contribute to slow brain development and low academic achievement. Children from low-income families enter kindergarten approximately three months behind the national average in reading and enter first grade with 900 hours less of one-on-one book-reading time than do their middle-class peers.

The number of poor children facing these challenges and experiencing

these devastating results is growing at an alarming rate. According to the National Center for Children and Poverty, the number of poor children under age 6 increased by 24 percent between 2000 and 2007. The center also found that in my home State of Iowa, 20 percent of children under age 6 live in poor families. Between 2007 and 2009, the number of children living in poverty nationwide grew by 2.2 million, to 15.5 million. This means that more of our Nation’s children are starting school ill-equipped to thrive and gain the skills needed for success in the 21st century. The best way to combat this trend is to ensure that all children, especially those in low-income and under-resourced communities, have access to high-quality early learning programs, effective schools, and family and student supports that prepare them for success.

One low-income neighborhood where children and their families receive these essential programs and supports is in Harlem, through an organization called Harlem Children’s Zone. Geoffrey Canada began Harlem Children’s Zone as a single-block pilot in the 1990s, which has since expanded to 96 blocks. Today Harlem Children’s Zone operates two charter schools and leverages a wide range of public, non-profit, and philanthropic resources to provide wrap-around services to over 10,000 youth and about the same number of adults each year. Harlem Children’s Zone’s programs have equipped children with the skills needed to be successful in elementary school and have provided families with the tools needed to effectively support their children’s development and academic achievement. The New York Times has called it “one of the most ambitious social-service experiments of our time”.

The bill I am introducing today builds on this outstanding framework. This Promise Neighborhoods proposal would fund competitive grants to implement cradle-to-career “continuums of care” similar to Harlem Children’s Zone for children in distressed neighborhoods. Promise Neighborhoods encourages communities and schools to leverage partnerships that provide children with access to evidence-based education reforms, community services, and family supports that improve academic, developmental, career, and life outcomes.

This bill focuses on ensuring the provision of high-quality early learning programs, effective family and community engagement strategies, and better services for special populations, such as children with disabilities and English learners.

It also allows for grants that are led by community-based organizations working in partnership with school districts, or led by schools in partnership with community-based organizations or institutions of higher education. Partners must collaborate to develop and implement a high-quality, evidence-based pipeline of services. This

pipeline, at a minimum, must support social and emotional development beginning at birth, enhance academic achievement, and prepare students for success in college and 21st century careers.

Promise Neighborhoods is a new kind of Federal grant. It requires organizations, agencies, and caring adults to work together to revitalize a single neighborhood, focusing on access to the educational and other supports children need to be successful in school and in life. It also supports communities in working together to combat the devastating effects poverty has on children's development and academic achievement.

One day I would hope that all children grow up in a neighborhood that provides support for their success from birth. This bill will help us take an important step towards this vision.

By Mr. BOOZMAN (for himself, Mr. GRAHAM, Mr. RISCH, Mr. COATS, Mr. THUNE, and Mr. JOHANNIS):

S. 1005. A bill to provide for parental notification and intervention in the case of a minor seeking an abortion; to the Committee on the Judiciary.

Mr. BOOZMAN. Mr. President, polls show nearly 80 percent of Americans agree parents should have the legal right to stop an abortion from being performed on their minor daughter. Many States such as Arkansas have enacted laws requiring parental notification, and these laws have proven very effective at the state level. Texas' teen abortion rate has dropped 25 percent since passage of its parental notification law in 2000 and Virginia and South Dakota have had similar results since parental notification laws were passed more than 10 years ago. However without a Federal law parents in those States are not required to be notified when their daughters go out-of-state for an abortion. Also, judges exploit loopholes in state laws by granting "judicial bypass" so often times the law is not enforced. The Parental Notification and Intervention Act requires that parents be notified at least four days in advance of any abortion to be performed on their minor daughter and gives them power to stop an abortion from being performed. My colleagues Senators GRAHAM, RISCH, COATS, THUNE, and JOHANNIS join me in introducing this important legislation. I would also like to thank Representative STEVE KING for his support and leadership on the House companion version of the Parental Notification and Intervention Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Parental Notification and Intervention Act of 2011".

SEC. 2. PARENTAL NOTIFICATION.

(a) It shall be unlawful for any person or organization to perform any abortion on an unemancipated minor under the age of 18, to permit the facilities of the entity to be used to perform any abortion on such a minor, or to assist in the performance of any abortion on such a minor, if the person or organization has failed to comply with the following requirements:

(1) Unless there is clear and convincing evidence of physical abuse of the minor by a parent, written notification has been provided to each parent of the minor, informing each parent that an abortion has been requested for the minor.

(2) There is compliance with a 96-hour waiting period after notice has been received by, subject to paragraph (1), each parent of the minor before the abortion may be performed.

(3) In the case of an action brought by a parent of such minor pursuant to section 3, with respect to the performance of such abortion, the person or organization shall not perform such abortion unless and until there is a final judgement pursuant to such section that granting permanent relief to enjoin the abortion would be unlawful.

(b) Whoever violates the provisions of subsection (a) of this section shall be fined not more than \$1,000,000, or imprisoned not more than 10 years, or both.

(c) The provisions of this section shall not apply if, with respect to an unemancipated minor for whom an abortion is sought, a defense or affirmative defense exists which would be applicable to other provisions of title 18, United States Code. For purposes of the previous sentence, such a defense or affirmative defense shall not apply unless a physician other than the physician with principal responsibility for making the decision to perform the abortion makes a determination that—

(1) a medical emergency exists in which an abortion on the minor is necessary due to a grave, physical disorder or disease of the minor that would, with reasonable medical certainty, cause the death of the minor if an abortion is not performed;

(2) parental notification is not possible as a result of the medical emergency; and

(3) certifications regarding compliance with paragraphs (1) and (2) of this subsection have been entered in the medical records of the minor, together with the reasons upon which the determinations are based, including a statement of relevant clinical findings.

(d) For purposes of this section, any parental notification provided to comply with the provisions of subsection (a) shall be provided through the manner described in paragraph (1), or through the manner described in paragraph (2), as follows:

(1) The notification shall be provided through certified mail in accordance with the following procedures:

(A) The notification shall be addressed to the parent of the unemancipated minor.

(B) The address used shall be the dwelling or usual place of abode of the parent.

(C) Return receipt shall be requested.

(D) Delivery shall be restricted to the parent.

(2) The notification shall be delivered personally to the parent.

(e) For purposes of this section, the term "parent" includes, but is not limited to, any legal guardian of the child.

SEC. 3. PARENTAL INTERVENTION.

Any parent of a minor required to be notified pursuant to section 2 may bring, in the district court of the United States where the

parent resides or where the unemancipated minor is located, an action to bar the performance of an abortion on such minor. The court shall issue an injunction barring the performance of the abortion until the issue has been adjudicated and the judgment is final. The court shall issue relief permanently enjoining the abortion unless the court determines that granting such relief would be unlawful.

SEC. 4. EFFECTIVE DATE AND SEVERABILITY.

(a) The provisions of this Act shall be severable. If any provision of this Act, or any application thereof, is found unconstitutional, that finding shall not affect any provision or application of the Act not so adjudicated.

(b) The provisions of this Act shall take effect immediately upon enactment.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 185—RE-AFFIRMING THE COMMITMENT OF THE UNITED STATES TO A NEGOTIATED SETTLEMENT OF THE ISRAELI-PALESTINIAN CONFLICT THROUGH DIRECT ISRAELI-PALESTINIAN NEGOTIATIONS, REAFFIRMING OPPOSITION TO THE INCLUSION OF HAMAS IN A UNITY GOVERNMENT UNLESS IT IS WILLING TO ACCEPT PEACE WITH ISRAEL AND RENOUNCE VIOLENCE, AND DECLARING THAT PALESTINIAN EFFORTS TO GAIN RECOGNITION OF A STATE OUTSIDE DIRECT NEGOTIATIONS DEMONSTRATES ABSENCE OF A GOOD FAITH COMMITMENT TO PEACE NEGOTIATIONS, AND WILL HAVE IMPLICATIONS FOR CONTINUED UNITED STATES AID

Mr. CARDIN (for himself, Ms. COLLINS, Mr. THUNE, Mr. MENENDEZ, Mr. CASEY, and Mr. RISCH) submitted the following resolution: which was referred to the Committee on Foreign Relations:

S. RES. 185

Whereas the policy of the United States since 2002 has been to support a two-state solution to the Palestinian-Israeli conflict;

Whereas a true and lasting peace between the people of Israel and the Palestinians can only be achieved through direct negotiations between the parties;

Whereas Palestine Liberation Organization Chair Yassir Arafat wrote to Israeli Prime Minister Yitzhak Rabin on September 9, 1993, that "all outstanding issues relating to permanent status will be resolved through negotiations";

Whereas the reconciliation agreement signed by Fatah and Hamas on May 4, 2011, was reached without Hamas being required to renounce violence, accept Israel's right to exist, and accept prior agreements made by the Palestinians (the "Quartet conditions");

Whereas Hamas, an organization responsible for the death of more than 500 innocent civilians, including two dozen United States citizens, has been designated by the United States Government as a foreign terrorist organization and a specially designated terrorist organization;

Whereas Hamas kidnapped and has held captive Israeli sergeant Gilad Shalit in violation of international norms since June 25, 2006;

Whereas Hamas continues to forcefully reject the possibility of negotiations or peace with Israel;

Whereas, by contrast, Prime Minister of Israel Benjamin Netanyahu has accepted a two-state solution to the Israeli-Palestinian conflict;

Whereas, on April 22, 2009, Secretary of State Hillary Clinton stated, "We will not deal with nor in any way fund a Palestinian government that includes Hamas unless and until Hamas has renounced violence, recognized Israel and agreed to follow the previous obligations of the Palestinian Authority.";

Whereas the United States, under two different Presidents, has vetoed 11 United Nations Security Council resolutions in the last 15 years related to the Palestinian-Israeli conflict and its outstanding issues;

Whereas United States Permanent Representative to the United Nations Susan Rice stated on February 18, 2011, that it was "unwise" for the United Nations to attempt to resolve key issues between the Israelis and Palestinians;

Whereas Palestinian leaders are pursuing a coordinated strategy to seek recognition of a Palestinian state within the United Nations, in other international forums, and from foreign governments;

Whereas, on March 11, 1999, the Senate adopted Senate Concurrent Resolution 5 (106th Congress), and on March 16, 1999, the House of Representatives adopted House Concurrent Resolution 24 (106th Congress), both of which resolved that "any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition";

Whereas current United States law precludes assistance to a Palestinian Authority that shares power with Hamas unless that Authority publicly accepts the right of Israel to exist and adheres to all prior agreements and understandings with the Governments of the United States and Israel;

Whereas the United States Government provides more than \$550,000,000 annually and more than \$3,500,000,000 cumulatively in direct bilateral assistance to the Palestinians, who are among the world's largest recipients of foreign aid per capita;

Whereas aid to the Palestinians is predicated on a good faith commitment from the Palestinians to the peace process;

Whereas abandonment by Palestinian leaders of the Quartet conditions and inclusion of Hamas in a government could jeopardize the positive steps the Palestinian Authority has taken in building institutions and improving security in the West Bank in recent years; and

Whereas efforts to form a unity government without accepting the Quartet conditions, to bypass negotiations and unilaterally declare a Palestinian state, or to appeal to the United Nations or other international forums or to foreign governments for recognition of a Palestinian state would violate the underlying principles of the Oslo Accords, the Road Map, and other relevant Middle East peace process efforts: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms its strong support for a negotiated solution to the Israeli-Palestinian conflict resulting in two states, a democratic, Jewish state of Israel and a viable, democratic Palestinian state, living side-by-side in peace, security, and mutual recognition;

(2) states its firm belief that any Palestinian unity government must publicly and formally forswear terrorism, accept Israel's right to exist, and reaffirm previous agreements made with the Government of Israel;

(3) reiterates its strong opposition to any attempt to establish or seek recognition of a

Palestinian state outside of an agreement negotiated between leaders in Israel and the Palestinians;

(4) urges Palestinian leaders—

(A) to ensure that any Palestinian government will seek peace with Israel;

(B) to cease all efforts at circumventing the negotiation process, including through a unilateral declaration of statehood or quests for recognition of a Palestinian state from other nations or the United Nations;

(C) to resume direct negotiations with the Government of Israel immediately and without preconditions; and

(D) to take appropriate measures to counter incitement to violence and fulfill all prior Palestinian commitments, including dismantling the terrorist infrastructure embodied in Hamas;

(5) supports the opposition of the President to a unilateral declaration of a Palestinian state and the veto by the United States on February 18, 2011, of the most recent United Nations Security Council resolution regarding a key issue of the Israeli-Palestinian process;

(6) calls upon the President to announce that the United States will veto any resolution on Palestinian statehood that comes before the United Nations Security Council which is not a result of agreements reached between the Government of Israel and the Palestinians;

(7) calls upon the President to lead a diplomatic effort to oppose a unilateral declaration of a Palestinian state and to oppose recognition of a Palestinian state by other nations, within the United Nations, and in other international forums prior to achievement of a final agreement between the Government of Israel and the Palestinians;

(8) will consider restrictions on aid to the Palestinian Authority should it persist in efforts to circumvent direct negotiations by turning to the United Nations or other international bodies;

(9) supports the position taken by Secretary of State Hillary Clinton on April 22, 2009, that the United States "will not deal with or in any way fund a Palestinian government that includes Hamas unless and until Hamas has renounced violence, recognized Israel and agreed to follow the previous obligations of the Palestinian Authority";

(10) urges the President to consider suspending assistance to the Palestinian Authority pending a review of the unity agreement between Fatah and Hamas; and

(11) reaffirms the requirement under United States law precluding assistance to a Palestinian Authority that shares power with Hamas unless that Authority and all its ministers publicly accept the right of Israel to exist and all prior agreements and understandings with the Governments of the United States and Israel.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public of an addition to a previously announced hearing before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources. The hearing will be held on Wednesday, May 25, 2011, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

In addition to the other measures previously announced, the Subcommittee will also consider S. 268, a

bill to sustain the economic development and recreational use of National Forest System land and other public land in the State of Montana, to add certain land to the National Wilderness Preservation System, to release certain wilderness study areas, to designate new areas for recreation, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to allison_seyferth@energy.senate.gov.

For further information, please contact Scott Miller or Allison Seyferth.

ORDERS FOR TUESDAY, MAY 17, 2011 AND WEDNESDAY, MAY 18, 2011

Mr. REID. Mr. President, I ask unanimous consent that at 2:15 p.m. on Tuesday, May 17, the majority leader be recognized to move to proceed to Calendar No. 42, S. 940, the Close Big Oil Tax Loopholes Act, and Calendar No. 43, S. 953, the Offshore Production Safety Act; that there be up to 4 hours of debate prior to a vote on the motion to proceed to S. 940; that the vote on the motion to proceed be subject to a 60-vote threshold; that the motion to reconsider be considered made and laid on the table, with no intervening action or debate; further, that at 10:30 a.m. on Wednesday, May 18, the Senate resume consideration of the motion to proceed to Calendar No. 43, S. 953; that there be up to 4 hours of debate prior to a vote on the motion to proceed to the bill; that the vote on the motion to proceed be subject to a 60-vote threshold; that the motion to reconsider be considered made and laid on the table, with no intervening action or debate; and finally, in addition to what I just asked, that if a motion to proceed contained in this agreement does not achieve 60 votes, the motion is withdrawn.

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

The CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the following postal naming bills, en bloc: Calendar No. 46, 47, 48; S. 349, S. 655, and H.R. 793.

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

Mr. REID. I ask unanimous consent the bills be read the third time and passed en bloc; that the motions to reconsider be laid upon the table en bloc, with no intervening action or debate; and any statements relating to this matter be printed in the RECORD.

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

There being no objection, the Senate proceeded to consider the bills.

**MARINE SGT. JEREMY E. MURRAY
POST OFFICE**

The bill (S. 349) to designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the "Marine Sgt. Jeremy E. Murray Post Office" was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. MARINE SGT. JEREMY E. MURRAY
POST OFFICE.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, shall be known and designated as the "Marine Sgt. Jeremy E. Murray Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Marine Sgt. Jeremy E. Murray Post Office".

**SPENCER BYRD POWERS, JR. POST
OFFICE**

The bill (S. 655) to designate the facility of the United States Postal Service located at 95 Dogwood Street in Cary, Mississippi, as the "Spencer Byrd Powers, Jr. Post Office" was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. SPENCER BYRD POWERS, JR. POST
OFFICE.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 95 Dogwood Street in Cary, Mississippi, shall be known and designated as the "Spencer Byrd Powers, Jr. Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Spencer Byrd Powers, Jr. Post Office".

**SPECIALIST JAKE ROBERT
VELLOZA POST OFFICE**

The bill (H.R. 793) to designate the facility of the United States Postal Service located at 12781 Sir Francis Drake Boulevard in Inverness, California, as the "Specialist Jake Robert Velloza Post Office" was ordered to a third reading, was read the third time, and passed.

NATIONAL PUBLIC WORKS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 177.

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

The clerk will report the resolution by title.

The legislative clerk read as follows: A resolution (S. Res. 177) designating May 15 through May 21, 2011, as "National Public Works Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 177) was agreed to.

The preamble was agreed to. The resolution, with its preamble, reads as follows:

S. RES. 177

Whereas public works infrastructure, facilities, and services are of vital importance to the health, safety, and well-being of the people of the United States;

Whereas the public works infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, including engineers and administrators, who represent State and local governments throughout the United States;

Whereas public works professionals design, build, operate, and maintain the transportation systems, water infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to the people and communities of the United States; and

Whereas understanding the role that public infrastructure plays in protecting the environment, improving public health and safety, contributing to economic vitality, and enhancing the quality of life of every community of the United States is in the interest of the people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 15 through May 21, 2011, as "National Public Works Week";

(2) recognizes and celebrates the important contributions that public works professionals make every day to improve—

(A) the public infrastructure of the United States; and

(B) the communities that public works professionals serve; and

(3) urges individuals and communities throughout the United States to join with representatives of the Federal Government and the American Public Works Association in activities and ceremonies that are designed—

(A) to pay tribute to the public works professionals of the United States; and

(B) to recognize the substantial contributions that public works professionals make to the United States.

**MEASURE READ THE FIRST
TIME—H.R. 1231**

Mr. REID. Mr. President, I am told there is a bill at the desk due for its first reading.

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

The legislative clerk read as follows:

A bill (H.R. 1231) to amend the Outer Continental Shelf Lands Act to require that

each 5-year offshore oil and gas leasing program offer leasing in the areas with the most prospective oil and gas resources, to establish a domestic oil and natural gas production goal, and for other purposes.

Mr. REID. I ask for the second reading of this piece of legislation in order to place the bill on the calendar under the provisions of rule XIV, but I object to my own request.

The ACTING PRESIDENT pro tempore. Objection is heard.

APPOINTMENTS

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), reappoints the following Senators to the Board of Visitors of the U.S. Naval Academy: the Senator from Maryland, Ms. MIKULSKI, from the Committee on Appropriations, and the Senator from Maryland, Mr. CARDIN, At Large.

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), reappoints the following Senators to the Board of Visitors of the U.S. Military Academy: the Senator from Louisiana, Ms. LANDRIEU, from the Committee on Appropriations, and the Senator from Rhode Island, Mr. REED, At Large.

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints and reappoints the following Senators to the Board of Visitors of the U.S. Air Force Academy: the Senator from Colorado, Mr. BENNET, designee of the Chairman of the Committee on Armed Services, and the Senator from Nebraska, Mr. NELSON, from the Committee on Appropriations.

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), as amended by Public Law 101-595, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy: the Senator from West Virginia, Mr. ROCKEFELLER, ex officio, as Chairman of the Committee on Commerce, Science and Transportation; and the Senator from Alaska, Mr. BEGICH, Committee on Commerce, Science, and Transportation.

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Chairman of the Committee on Commerce, Science, and Transportation, and pursuant to Title 46, Section 1295 b(h), of the U.S. Code, reappoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: the Senator from West Virginia, Mr. ROCKEFELLER, ex officio, as Chairman of the Committee on Commerce, Science, and Transportation and the Senator from New Jersey, Mr. LAUTENBERG, from the Committee on Commerce, Science, and Transportation.

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Republican leader, pursuant to the provisions of Public Law 99-93, as amended

by Public Law 99-151, appoints the following Senators as members of the United States Senate Caucus on International Narcotics Control: Senator CHUCK GRASSLEY of Iowa, Co-Chairman, Senator JOHN CORNYN of Texas, and Senator JAMES E. RISCH of Idaho.

ORDERS FOR TUESDAY, MAY 17,
2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow morning at 10 a.m., Tuesday, May 17; that following the prayer and the 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 proceed to executive session under the previous order; and that the Senate recess following the rollcall vote on confirmation of the Carney nomination until 2:15 p.m. to allow for the weekly caucus meetings; finally, that at 2:15 p.m., the Senate begin consideration of the motion to proceed to Calendar No. 42, S. 940, under the previous order.

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

PROGRAM

Mr. REID. Mr. President, there will be a rollcall vote around noon tomorrow on the confirmation of the nomination of Susan Carney, of Connecticut, to be U.S. circuit judge.

Additionally, there will be a rollcall vote on the motion to invoke cloture on the motion to proceed to S. 940, the Close Big Oil Tax Loopholes Act. That vote will occur at approximately 6:15 tomorrow night.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order following the remarks of Senator MERKLEY.

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

The Senator from Oregon.

BIG OIL SUBSIDIES

Mr. MERKLEY. Mr. President, I rise to speak to S. 940. Tomorrow evening, we are going to have a vote on whether to proceed to debate this bill, which closes oil and gas tax loopholes, thereby raising a significant amount of additional revenue for important projects in the United States of America.

I rise in favor of this motion tomorrow because if we have a successful vote tomorrow evening, we will finally get to debate this issue of whether we

should continue to have massive tax giveaways to the most profitable companies in America.

Gas is at \$4 a gallon. Every American is going to the pump, and they are finding that, once again, the total toll as they fill up their 15-gallon tank in their car is well over \$50 and can hit \$60. That is a huge chunk out of my family budget, once or twice a week. It diminishes what is available to be spent for other core expenses to the families. Indeed, that \$4 a gallon at the gas pump is raiding Americans' pocketbooks.

Americans do not also need to be subsidizing the same highly profitable oil companies through their paychecks, through tax loopholes. Make no question, the companies are highly profitable. Oil is now \$100 a barrel. So the companies are able to sell oil that costs no more to produce today than it did 1 month ago, no more to produce today than it did 3 months ago, when oil was much lower, no more expensive to produce today than 1 year ago, when it was \$3 a gallon.

So oil companies are experiencing enormous profits. The final quarterly filings by ConocoPhillips, \$3 billion in profits—this is just quarterly, over 3 months—BP, \$7.1 billion in profits; Exxon, \$10.7 billion in profits.

That \$10.7 billion equates to \$5 million an hour every hour, day and night, throughout the week, throughout the weekend, through the entire quarter—\$5 million per hour.

I think, if you have an ounce of common sense, then you will recognize if you are making \$5 million per hour, you do not need taxpayer subsidies to stay afloat.

These subsidies come in many forms. The first is the domestic manufacturing deduction for oil and gas. This allows you to deduct a specified percentage—6 percent—of your qualified domestic production income. So it is not just that you get to deduct expenses, you also get to deduct income as if it was a business expense.

Wouldn't all of us, when we are filing our taxes, like to deduct our income as an expense and, thereby, drastically cut our tax bill? Well, it is a sweet deal for big oil.

Then they have the ability to expense intangible drilling costs. The basic notion is that when you have equipment that is necessary for the success of a company, then you depreciate that equipment over the life of the equipment. If it is equipment that lasts 5 years, you expense it over 5 years. These are things, for the oil industry, such as derricks and tanks and pipelines and other physical structures. But this allows the companies to take that deduction of the entire expense immediately, not expense it over the life of the capital equipment like everyone else. So it is another sweet deal.

The third is a special deduction called the tertiary injection cost deduction. It comes in the form of a tax credit. A tax credit is much more valu-

able than a tax deduction because it is a dollar-for-dollar deduction in the taxes you owe. This is for employing enhanced oil recovery methods—methods that are to the benefit of an oil company because they get a lot more oil out of an oilfield if they employ wise stewardship of that field. So they have an incentive to do this anyway, but we are giving this huge bonus credit. That is a sweet deal. That is sweet deal No. 3.

Then you have the dual capacity taxpayer credit. This one you almost cannot believe is real because dollar-for-dollar, we, the taxpayers in America, reimburse the oil companies for the taxes they pay overseas. Well, quite frankly, it is America subsidizing the foreign taxes. So oil companies just pass through. It certainly is an incentive for the foreign governments to tax the oil companies extremely heavily because they get it all back from America. It is also proven incentive for companies to call royalties a foreign income tax so they get reimbursed for their royalties as well.

As proposed, changing this will reduce the deficit by \$429 million in fiscal year 2012 and \$6.5 billion in fiscal year 2021. That is the fourth sweet deal.

The fifth is the percentage depletion deduction. Firms that extract oil or gas are permitted to deduct 15 percent of the sales to recover their capital investment in oil and gas reserves. They get to, again, deduct their sales, essentially in a situation as if they are an expense. That is sweet deal No. 5. In that case, often the value of that deduction exceeds the value of the original capital investment by the company. They get more than compensated.

Then, No. 6: royalty relief for deepwater Outer Continental Shelf production. The Department of the Interior must allow companies doing certain types of drilling on the Outer Continental Shelf—deepwater drilling and deep wells in shallow water—it allows them to not pay royalties on a certain minimum volume of production. Royalty relief is a great benefit to the oil companies and comes at great cost to the American Treasury. That is sweet deal No. 6.

This world in which companies have had, over the years, inserted various provisions—making a very strong case for each one at the time of why this was necessary, that was necessary—amounts to an enormous tax bill. This bill that takes and modifies these provisions for the top five companies that have the largest profits would produce about \$2 billion in savings from closing these six tax loopholes.

The question we all need to ask ourselves is: Can that \$2 billion per year be put to better work than subsidizing companies that are making enormous profits at the pump? One possibility is that \$2 billion could go toward decreasing our deficit. A lot of folks on the floor of the Senate talk about how important that is. Which is more important, giveaways to the most profitable

companies or reductions in the national deficit?

How about creating jobs? We have constantly been trying to get a bill to this floor that provides low-cost loans for energy saving renovations. It is considered the most powerful job creator dollar-for-dollar of any idea that has been put forward. It is in the form of HOME Star, which provides low-cost energy saving loans to families, and they can pay them back from the savings in energy. So it is a win-win for the family, and it puts people to work in America in a construction industry that is 50 percent unemployed.

How about Building Star? It does the same thing on commercial buildings. How about Rural Star Energy, the bill that provides these low-cost loans through rural co-ops, so rural America can benefit from energy savings and can pay back these low-cost loans from the savings on their monthly utility bills.

The reason this creates so many jobs is because not only can you not outsource overseas the jobs themselves for the construction work that is done, but almost every single thing that is used in the energy saving economy—from the insulation, to the caulk, to the double-paned windows—is made here in America. That is why you get so much tremendous leverage. You put the American construction industry to work and you utilize American products.

Maybe it is more important to create jobs than it is to give away \$2 billion a year to the most profitable five oil companies in America. Maybe it is important to shore up Medicare. Some of my colleagues have talked about they want to dismantle Medicare. They want to turn it into a voucher program, where the voucher would not increase as medical costs increase, so that slowly Medicare would be wiped out as the ability to provide health care for our seniors. Maybe it is more important to provide a strong Medicare Program than it is to give away \$2 billion a year to the most profitable five oil companies in America.

Maybe it is more important to enable our children to get loans to go to college. We are becoming the first generation of adults whose children are getting less education than we have because the cost of tuition has gone up disproportionately to the income of a working family. The more tuition goes up, in comparison, the more our students have to wrestle with whether they can afford to go to college and, if they go, whether they need to drop out after the first year in order to go back

to work in order to save to go the second year. When students leave college in that situation, they do not often get back.

Maybe it is more important that we proceed to help American students—our children—go to college than to give away \$2 billion to the five most profitable oil companies in America.

Tomorrow, we are going to have a vote. The vote is simply whether this is important enough to debate, whether it is important enough for us to come together as a Chamber and say it matters whether tax loopholes were carved out through special interest lobbying over the past 20 years in order to get very sweet deals when they serve no basic core purpose in the American economy. We need to have that debate. I wish to encourage my colleagues across the aisle to vote yes tomorrow, to vote yes on a motion to proceed, so we can get to the bill and have that debate.

Under the rules that have been established, we need 60 votes; otherwise, my colleagues across the aisle threaten to filibuster, that they are going to do a silent filibuster, blocking the ability of this Chamber to have a debate. Let me tell you, this needs to be debated.

Fiscal responsibility needs to be debated. These tax giveaways need to be debated. The tradeoffs between assisting our students and tax giveaways need to be debated. The tradeoff between reducing the deficit and these giveaways needs to be debated. The contrast and comparison between shoring up programs that provide health care to our seniors and these giveaways need to be debated.

I encourage my colleagues: Do not shy from your responsibility to wrestle with difficult challenges. Come and vote yes tomorrow evening on proceeding to debating the giveaways to the five most profitable oil companies in America so we can consider whether those funds will be better serving American citizens by reducing the deficit or by providing core programs.

Thank you, Mr. President.

UNANIMOUS CONSENT AGREEMENT—S. 904, S. 953

Mr. MERKLEY. Mr. President, I ask unanimous consent that the time for debate on the motions to proceed to Calendar No. 42, S. 904, and Calendar No. 43, S. 953 be equally divided in the usual form.

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

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:09 p.m., adjourned until Tuesday, May 17, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF COMMERCE

TERRY D. GARCIA, OF FLORIDA, TO BE DEPUTY SECRETARY OF COMMERCE, VICE DENNIS F. HIGHTOWER, RESIGNED.

DEPARTMENT OF STATE

DAN W. MOZENA, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF BANGLADESH.

FRANKIE ANNETTE REED, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE FIJI ISLANDS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAURU, THE KINGDOM OF TONGA, TUVALU, AND THE REPUBLIC OF KIRIBATI.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. GILMARY M. HOSTAGE III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT R. ALLARDICE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MARK F. RAMSAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JUDITH A. FEDDER

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. KATHLEEN M. GAINES

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. MARK D. HARNITCHEK