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Senate

The Senate met at 2 p.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

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

Let us pray.

Eternal Spirit, we praise You because of Your righteousness, and lift our hearts in adoration to You, the King, Most High. Pour eternity into these brief lives of ours and use us for Your glory.

Lift our lawmakers to the heights of noble living, renewing them with Your hope and strengthening them with Your power. Lord show them how to make wise use of their days to become the people they ought to be and to do the things that make for peace in our Nation and world. May their highest motive be not to win over one another, but to win with one another by doing Your will.

Lord, we ask that You sustain the victims of the seismic devastation in Japan. We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 14, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business until 4:30 p.m., with Senators permitted to speak for up to 10 minutes each.

At 4:30 p.m. the Senate will proceed to executive session to consider Calendar No. 10, the nomination of James Boasberg, of the District of Columbia, to be a U.S. district judge for the District of Columbia. There will be up to 1 hour of debate, equally divided, prior to a vote on that nomination.

Senators should expect two rollcall votes at 5:30. They will be in relation to the confirmation of James Boasberg and cloture on the motion to proceed to S. 493, the Small Business Reauthorization Act of 2011.

The current continuing resolution expires this Friday. We expect the House to send us a 3-week CR on Tuesday or Wednesday. We hope we can work out an agreement to consider the bill before the end of this week.

DOING THE COUNTRY'S BUSINESS

Mr. REID. Mr. President, my thoughts and those of the entire Nation, and certainly every Member of the Senate, are with the people of Japan. The earthquake that shook that nation has made the entire world tremble, and the tsunami that swept over its shores has engulfed us all with grief.

We are heartbroken at the images we have seen and the stories we have heard. We share the agony of the families who have lost loved ones and the anguish of those still searching for the missing.

The earthquake, tsunami, and subsequent catastrophes have created a humanitarian crisis of the first order, and the United States will do everything we can to ease Japan's pain and help it heal. As the devastation and rescue efforts continue, we know Japan and the world will meet this tragedy with tenacity and will respond to the immense loss with immeasurable hope.

This dreadful disaster is not stronger than the people of Japan's resolve to recover and rebuild, and it is no match for America's determination to help a friend in need.

Mr. President, it is difficult to think of the Senate's business at such a time as this, but we must. It is difficult to think of the Senate's business after hundreds of thousands of lives have been forever changed in an instant. Every matter seems immaterial in comparison, and our use of the adjective ''emergency'' when discussing budget concerns seems so misplaced.

But we must also focus on the business of our great country, and that is what the Senate will do this week. I hope both parties and both Houses will find the courage to come together before the weekend on a plan to fund the country.

I remind my Republican colleagues that this Friday's deadline is one they set; we didn't. We asked for 4 weeks to work, and they demanded 2 weeks. They asked for March 18. March 18 awaits us at the other end of this week, so it is time to get serious.

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

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Last week's budget votes proved what we have been saying throughout this negotiation: We must meet in the middle. The distance between Democrats and Republicans is not measured in money only. I regret to report that so far we remain far more divided on the willingness to compromise.

Democrats have made it crystal clear that we are determined to pass a budget. We recognize the reality that one party alone will not reach a resolution without the other party's cooperation and consent. We have accepted and acknowledged that we need to share the sacrifice. Democrats are willing to find reasonable ways to do that, and we have offered necessary cuts that will strengthen our future rather than weaken it. But we are still waiting for the Republicans to do the same. They are pretending that last week's votes didn't happen. They are covering their eyes and ears to the reality that their proposal—a shortsighted bill the tea party and the Republicans in the House of Representatives continue to support—was roundly rejected in the Senate.

We are still waiting for them to bring something—anything—new to the table. They have not done that yet. Listen to the Republican speeches and sound bites and you will hear no reasonable cuts, no serious offer, no willingness to compromise, and no sense of shared responsibility. You will hear no new ideas.

We can't afford another week of these games. We cannot negotiate through the media, and we cannot negotiate if one side is unwilling to give any ground.

We cannot keep funding the country a couple weeks at a time. How many times have we heard our Republican friends decry uncertainty, claiming it hurts job creation and worries the markets. How quickly they have forgotten their own advice.

Mr. President, it is time to lead. On this point, Democrats have been very clear. I hope the solution is at hand. But if no budget passes—if we cannot keep the country running—it will be clear which side will bear that burden.

This week, we will also start debating another jobs bill. We did the FAA bill, the patent bill, and we are told by the experts that is almost 600,000 jobs. The bill we are going to take up now will help small businesses do what American businesses do best: imagine, innovate, and invent.

Our bill that we will soon discuss will support a research and development program that has helped tens of thousands of small businesses create jobs and shape the future since President Reagan started the program three decades ago.

These investments work. They have helped get new ideas off the ground—everything from the electric toothbrush to a satellite antenna that helped our first responders in Haiti, to technologies that keep our food safe and our military's tanks from overheating in the desert.

One company in Carson City, NV, has used this small business innovation program's support to create technology that helps firefighters reach people on the highest floors of burning buildings. Another Nevada company from Henderson has developed an advanced rechargeable battery that our troops are using in the field. There are success stories such as this in every State because of this legislation that was enacted initially almost 30 years ago.

Small businesses are the laboratories of visionaries who create jobs and cultivate ideas. We, in turn, must help these businesses grow and succeed. That is what this bill will do.

Finally, let me say something briefly about gas prices. This budget debate has shown a stark contrast between our Nation's serious challenges and the lack of bipartisan agreement on serious solutions. The same is true when it comes to energy.

Drivers across the country are watching gas prices go up and up. They are worried about how expensive it is to drive to work in the morning or to pick up their kids from school or just to get to the grocery store and back. It is a serious challenge. But I am disappointed that the Republicans refuse to join us in offering a serious solution.

We know why gas prices are going up. First, the Middle East nations from which we import the vast majority of oil are in turmoil. That hurts production and exports. Second, OPEC and greedy investors control a widely speculative market. Third, big oil cannot quench its thirst for record profits, and it will pursue them at any cost to the consumer.

The Republican reflex is a replay of the same script we have seen time and time again. The Republican reflex is to demand more drilling, as if that will instantly ease the price at the pump. It is an easy argument to make. It will nicely line the pockets of their friends in big oil. It sounds simple, but as a solution to high gas prices, it is plain fiction.

Here is a little-known fact: The United States produced more oil in 2009 than in any year since 2003. So for all of the rightwing's finger-pointing at President Obama, it is worth noting that we have drilled more oil since President Obama has been in office.

In fact, when President Bush was in the White House, field production of crude oil dropped every single year. In his last year in office, prices and oil company profits rose to record highs. So let's retire the tired talking point that President Obama is sitting on the solution.

In fact, it is those same big oil companies that are quite literally sitting on that oil that Republicans demand. Big oil is sitting on more than 60 million acres of Federal land and water that they have leased and have a right to drill on. That means nearly 20 percent of our Nation's oil refining capacity sits idle. They have shown more interest in making profits than in making oil.

Let's pretend for a minute they did do the drilling. Even if big oil drilled on all of its offshore leases, it would have no impact on the price of gasoline during the whole next decade. By 2030, it might lower those prices by 3 cents a gallon. That is not my calculation; that comes from the Energy Information Agency.

Let's not forget the big picture: The U.S. consumes nearly 25 percent of the world's oil, but we have less than 3 percent of the world's oil reserves, and they are rapidly declining. We are addicted to oil and are at the mercy of big oil and OPEC for its price.

Instead of shortsighted straw men, let's use the alternatives we have at home, such as solar, wind, and geothermal energy, which are abundant in places such as Nevada. Let's encourage these investments, not cut them as the Republicans' budget plan proposes. Their budget plan would drastically affect the ability to do more with renewable energy.

These renewable energy sources are cleaner for the environment, wiser for our national security, and more stable for our economy. Best of all, they are made in the U.S.A. and will create jobs in our country.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, the morning business time is not divided. It is under the control of whoever gets here; is that right?

The ACTING PRESIDENT pro tempore. The Senator is correct.

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

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

The legislative clerk proceeded to call the roll.

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

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

Ms. LANDRIEU. Mr. President, I would like to speak for up to 15 minutes. I understand Senator KYL will be joining us shortly.

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

SBIR/STTR REAUTHORIZATION ACT

Ms. LANDRIEU. I come to the floor to urge my colleagues to consider voting yes on cloture this afternoon at

5:30, to proceed to a debate on two very important Federal programs that come under the jurisdiction of the Small Business Committee. I know the Presiding Officer has been a leader in his State on this general subject matter. Our committee has worked very hard in the Senate, and in the House I might add, to get these programs ready for reauthorization. They are the Federal Government's largest research and development programs for small business.

As you know, I have said many times on the floor, as chair of the Small Business Committee I want and hope the Federal Government itself would be a better partner with small businesses in America to encourage innovation, to encourage appropriate risk-taking. We can do that in a variety of different ways.

Of course, we have authority over banking systems and capital systems and financial systems. We sometimes do that with just big business in mind. We need to think about giving the 27 million small businesses in America opportunities for capital through the banking system and through nonbank lenders. Our committee has been very busy trying to do our part helping our country out of this recession by continuing to focus on capital access for small business.

We also keep a close eye on regulations that might be dampening small businesses from growing and accelerating. Whether those financial regulations come out of the financial sector or health or EPA, et cetera, we try to keep an eye, in the Small Business Administration itself—in fact, an independent agency inside it, the SBA's Office of Advocacy—to look at rules and regulations. Our committee is going to take a hard look at any rule or regulation coming out of any Federal agencies that miss the mark or that fail to recognize the impact some of those regulations may have on small business. If it is too onerous, we are going to comment and push back.

Another way our Federal Government can be a better partner to small business is to make sure they have access to some of the Federal Government's research and development and technology funds. From the Department of Defense, to the Department of Health and Human Services to the Department of Commerce, and others, the Federal Government spends literally billions of dollars in research and development. That is good. It is only a small portion of our budget.

Some people argue the research and development dollars are too low because the Federal Government, by investing in research and development wisely, generates and promotes patents, inventions, discoveries, expansion of business, large and small. In fact, America does this probably better than any country in the world and we are proud of it. The Federal Government has a role to play.

This particular program I will focus on today—the Small Business Innovation Research program—was started by Senator Rudman over 25—actually almost 30 years ago now. Senator Rudman was a Senator from New Hampshire. As a Senator from a small State such as New Hampshire, he was, of course, very familiar with the great universities and the great small businesses there. He was actually shocked, and I think dismayed and saddened, to find out that small businesses in his own State had, even if they were inventing some of the best products, and had some of the best technology, couldn't get their foot in the front door to an agency such as the NIH. They didn't want to talk to a small business. They wanted to talk to the universities. They wanted to talk to the big companies. I think Senator Rudman got a little frustrated. He said: I think we need to have not a ceiling but a floor for amount of research agencies do with the small businesses in all of our communities, on Main Streets all over America, and say: What do you have to offer, and we will give you an opportunity.

This works two ways. It is good for small businesses to have access to some of these research and development dollars. It is also important for the taxpayer to get the best bang for their buck they are paying in taxes, and they want the best technology—not just the easiest to access, they want the best technology.

Having invested in this program now over almost 30 years, we have evidence to suggest the taxpayer has, in fact, gotten the best bang for its buck. In fact, these companies I am going to show you will prove, beyond a doubt, what I am saying.

This company, Qualcomm, is a very famous company now, but 25 years ago or so, no one had ever heard of it. Qualcomm is a company based in San Diego, CA. It is publicly owned now, but its founder—Dr. Irwin Jacobs—testified before our Small Business Committee a couple of weeks ago on this program, urging us to do this reauthorization, which is going to take the bulk of the debate on the floor this week—this particular program. He said: Absolutely, positively, Qualcomm would not have been able to launch as a small business that started in his den with about 35 of his friends and associates—not 35 in the beginning, even a smaller number than that—who had come up with the initial technology that made wireless communication possible. They did that, in part, with a couple of SBIR grants, about $1.5 million in total. Without that patient capital invested in a very timely way in this particular company, they would probably not have been able to make it to become what that eventually did become, which is a company that contributes approximately $5.5 billion to San Diego's economy every year and pays in taxes over $1 billion every year to the local, State, and Federal Government. That is half the cost of this program. So one success story out of this program generates enough tax dollars to pay for almost half every year.

This program doesn't cost the Federal Government anything because we are already investing in research and development. What this program does is say you are going allocate 2.5 percent of your research dollars for competition among small businesses—to invest in small businesses just like Qualcomm once was—in the hopes that they will develop into large businesses—or, even more important, that they will develop something that improves the quality of life for Americans and for people of the world.

Most certainly, now that everyone is walking around with wireless technology, using it for any number of things—staying in touch with spouses, kids, from tracking threats to general business use—we know this technology has become a part of everyone's life. Qualcomm is only one example of the return on investment with the SBIR program.

Another involved the pilot alert system for the B–52 bomber. That technology again came out of the SBIR Program. Reauthorizing this program is something we know is important to do to create jobs, to begin to create the kind of jobs that will lead us out of this recession. Innovation equals jobs, technology equals jobs.

There is another success story I would like to share. This is actually from Louisiana. There are actually success stories from every State in the Union. Mezzo Technologies was created with the help of LSU and SBIR. Dr. Kevin Kelly started with two employees. Now his payroll exceeds $1.2 million.

We ran into problems when we invaded Iraq and Afghanistan trying to run our tanks in places that were extremely hot. The radiators we had designed were not sufficient. We were running into serious equipment challenges.

It was this small business, with the help of LSU, that began to develop new kinds of technologies that now can be used for our military, in this case in the Bradley tank. But it also has potential for significant commercial application, potentially in the race car industry. That is an example of how technology needed for a specific problem the Federal Government is having, responded to by small business—not a big company, a small company—new technologies can create the radiators of the future.

Small businesses are the key to putting Americans back to work. They are the innovators. In fact, small businesses account for 13 times more patents than large businesses. Small businesses employ almost 40 percent of American scientists and engineers. Studies show SBIR-backed firms have been responsible for roughly 25 percent of the Nation's most crucial innovations over the past decade.

Unfortunately, and this is why I am on the floor today, this important program that does so much to give taxpayers the full measure and worth of their tax dollar, that gives small businesses the opportunity to grow, to create jobs right here in America—not in China, not in France or in Spain but right here in America—these programs have been sputtering. This particular program has been sputtering on short-term extensions. Every 3 months we reauthorize it—or every 6 months. We need to move forward and provide a longer term extension. The bill we are going to be debating this week provides an 8-year authorization, which gives some certainty. It gives some stability to the 11 Federal agencies that use SBIR to help meet its research and development needs, to help the 300 labs in the United States of America that do primarily research and development for the Federal Government. It sends out a clear signal to innovators: The Federal Government has challenges, the Federal Government has problems, and now we are putting some money behind these challenges and problems and we want you to be part of the solution.

We believe in this program. I wish to thank particularly Senator TOM COBURN for negotiating this 8-year extension, a little bit longer than a normal 5 but less than what some of us wanted initially, permanency and then the 14-year authorization—because we think long-term stability is so important for these programs.

The agencies have to do some more work—our Federal agencies do—to step up their administration of this program, to get even better at putting out the needs of their agencies, identifying small businesses, so we want to give them the confidence this program is actually going to last for more than a few months, 2 years or 3 years or even 4. So this 8-year authorization is important.

I am proud, under my leadership, and also previously under the leadership of Senator SNOWE and Senator KERRY, we have worked very hard together to get this bill into its current form. In the very last hours of the last Congress, we were actually able to negotiate a landmark compromise with the Biotechnology Industry Organization—formally known as the BIO—and the Small Business Technology Coalition. They had been basically at odds over some aspects of this reauthorization. Because we worked very hard and in good faith, both sides came together, we have now achieved a compromise which has the support of the National Small Business Administration, the U.S. Chamber of Commerce, the NFIB, the National Venture Capital Association, local technology groups, many universities throughout the country, including my alma mater, Louisiana State University, Louisiana Tech, the University of Akron, in Ohio—just to name a few.

I wish to make sure people understand, not only from examples, what this program will fund; in terms of Qualcomm, which was an earlier example, wireless technology, or whether it is a radiator used in military equipment, both in our tanks and sometimes used in other platforms, but also this technology can be used potentially in the racing car industry.

No other SBIR and STTR reauthorization bill has had this much support of this many organizations, and this compromise is represented in the bill we have laid down or we will be passing forward today.

The agencies have been particularly cooperative, particularly Department of Defense, USDA, and the Department of Energy. Along with Health and Human Services, they have the lion's share of these research budgets. DOD, it is not an insignificant amount, it is over $1 billion. The Department of Defense will invest in small businesses to get the best technologies available, such as the radiator technology they need for our tanks.

HHS has $615 million. It is a very small part of their total research budget but an important part, so when they put out the challenge to small businesses in America to come up with the next newest vaccine or the next medical technology or information technology that saves taxpayer money and helps provide better quality of life for all Americans, that word will go out from HHS.

DOE has $150 million available to invest in small business; NASA $125 million, just to name a few.

So not only will the taxpayers benefit, but small businesses and the people they hire as well. Many of these advanced technologies, developed by businesses that could have started in your garage or your den, such as Qualcomm, could not have existed without those programs. They are the brainchild of a scientist who took his idea to the next level, and had this program to get that first $150,000, and then that first $1 million.

I am urging all of my colleagues to support moving to this bill this afternoon. It passed out of the Small Business Committee last week nearly unanimously, and has continued to gain large bipartisan support publicly and privately. The CBO estimates a very modest cost of $150 million over 5 years. We have made changes that have decreased the estimate from last year's cost of $229 million.

We believe this $150 million is a fantastic investment for the Federal Government to place research dollars in the hands of some of the best, most dynamic, most innovative entrepreneurs on the face of the Earth today. We want to give them an opportunity, particularly in tight credit and capital markets, to access these funds at the Federal level to produce the kind of goods and services and, most importantly, jobs for the future.

I see my time has expired. Again, I look forward to coming down with my members of the Small Business Committee to talk more about this bill as the week unfolds. I urge my colleagues today at 5:30 to vote yes for cloture on this important bill so we can pass it out of the Senate today, get it over to the House as quickly as we can, and to the President's desk for signature.

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. KYL. 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. KYL. Mr. President, I ask unanimous consent to speak for 15 minutes.

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

THE BUDGET

Mr. KYL. Mr. President, we are going to have a vote a little bit later this afternoon to proceed to a bill which I do not happen to think is a very good bill, but I am going to vote to proceed to it, because the majority leader has made clear we will have the opportunity to offer amendments. I know some of my colleagues specifically wish to offer amendments to get to the heart of the subject that should be most on our minds today, which is reducing wasteful Washington spending, to get our fiscal house in order. In order to provide that opportunity, we should, in my view, proceed to that legislation so we can offer those amendments. We should be laser-like focused on the deficit, the debt, the spending of the Congress, and what we can do to get a handle on that spending, so that we do not mortgage our children's future.

It starts, of course, with a budget. A few weeks ago, the President submitted his budget to Congress, but it seems to me the message that budget sends is one of more spending, bigger government, and one that trumps America's well-founded concerns about this huge debt we are piling up and how it jeopardizes our Nation's future.

Under this budget, the debt held by the public will double by the end of this President's term in 2012 and then triple by 2019, to an astonishing $7.3 billion. Think about that for a moment. In all of our history, from 1789, from George Washington through George W. Bush, we accumulated roughly $5 billion of debt. This President's budget, in his first term, will double that. So in the term of President Obama, we will accumulate as much debt as every President of the United States combined before that. That is too much. It will triple in the next 5 years. That is what we are talking about with regard to this budget. The debt is actually going to be larger than our entire economy. Think of the attendant consequences.

It not only undermines confidence in our economy, but it crushes private sector investment and, therefore, job creation. This budget punts on everything serious we need to do to bring down the debt. It accelerates our path to national bankruptcy, it ignores all the major components of the President's debt commission's deficit financing or reduction plan. It punts on serious spending cuts and punts on entitlement reforms.

In fact, the Washington Post editorialized the day after the budget was submitted, calling the President the ''Punter in Chief.'' It is a failure of leadership, and it indicates to me that the President is not taking the debt problem seriously.

As Erskine Bowles, who was the Democratic chairman of the President's fiscal commission, said, ''The White House budget request goes nowhere near where they will need to have to go to resolve our fiscal nightmare.''

We cannot spend, borrow, and tax our way to prosperity. Unfortunately, that is what the budget request proposes to do. Let me review a few key facts and some of the numbers in the budget. Under the category of ''it spends too much,'' the size of the Federal Government would nearly double since the day President Obama took office. Let me say that again. Under the President's budget, the size of the Federal Government will nearly double since the day he took office.

You cannot claim with a straight face that represents anything close to fiscal discipline. Over the next 10 years, the President proposes $8.7 trillion in new spending in this budget, with $46 trillion in total spending. Spending in the 2012 fiscal year is projected to be a record $3.8 trillion or 25.3 percent of the gross domestic product, which is the highest spending ratio to GDP since World War II.

I will note that while the President has touted the 5-year $400 billion in spending freezes in his budgets, those freezes merely lock in spending levels reached after the massive spending binge that occurred on his watch. In my view, the status quo is not good enough. It is like closing the door to the barn after the horse is already gone. The President says his spending would cut $1.1 trillion over the coming decade. Yes, that is true, but that is from what he planned to spend. So if he made an extraordinarily irresponsible request for spending and then cuts it by $1 trillion, it is not something to be cheering about. The figure is smaller than the projected $1.5 trillion deficit for the year 2011 alone. We need to do and we can do much better.

Under the category ''it borrows too much,'' the budget adds $13 trillion in new debt by the end of the decade. Gross debt by the end of the decade will reach $26.3 trillion or 107 percent of gross domestic product. That figure eclipses the size of the entire economy.

Gross debt is projected to remain above 100 percent of GDP for every following year. The effects of high debt on an economy are well known. They include fewer jobs, less investing, and a lower standard of living, and that is not acceptable.

Under the category of ''taxes too much,'' in total the President's budget includes $1.6 trillion in new taxes on families, small businesses, and job creators. Much of that is new taxes on energy, including on the gasoline we buy, and new taxes on ObamaCare, the health care reform. In fact, the President's health care bill is mentioned more than 250 times in the IRS's fiscal year 2012 budget request. The IRS has said it will have to hire thousands of new workers to implement the new taxes in the health care law. Let's remember, we are not in our current predicament because we are an undertaxed nation. It is because of wasteful Washington spending.

I am deeply disappointed the administration has not put together a more responsible and serious budget proposal. I had hoped the White House had received the message that Americans sent in the last election about spending and debt and the size of our government. It is time for us to make tough choices. We need to focus on progrowth policies, which includes much lower levels of spending and borrowing, and leaving more money in the private sector where it can be put to good use, including job creation.

Republicans want to work with the President to seriously cut government spending and bring down the debt. House Republicans took the first step by putting together a proposal that will cut spending to 2008 levels. That is the level prior to the Obama era spending binge, a binge which included, among other things, the failed stimulus plan and other massive spending bills.

That is the kind of meaningful action we need. I ask the President: Lead. Work with our leaders on both sides of the aisle to do a better job of promoting prosperity through much more sensible fiscal policies.

As I said, my colleagues will have amendments they will be bringing to the floor this week in an effort to point him in the right direction.

Another thing that is of concern to Americans and that we ought to be doing something about here at the Federal Government level is the problem of energy production and the implications of that through things such as higher gas prices.

Notably, the Energy Department recently estimated that the average American household can expect to spend $700 more at the gas pump this year than it did in 2010. Since President Obama came into office our gasoline prices have doubled.

In a tight oil market, new domestic supply can have a very positive impact on gasoline prices, and developing that supply would create many well-paying American jobs. So, today, I want to talk about national policies in support of affordable, new domestic energy. This is an opportunity for government to set the stage for job creation in the private sector, rather than continue its attempts to create jobs on its own through costly legislation.

Although we import 63 percent of our oil, America has abundant supplies of both oil and natural gas here at home. In a Washington Post op-ed published in 2008, columnist Robert Samuelson wrote at ''it may surprise Americans to discover that the United States is the third largest oil producer, behind Saudi Arabia and Russia. We could be producing more, but Congress has put large areas of potential supply off limits. They include the Atlantic and Pacific coasts and parts of Alaska and the Gulf of Mexico.''

So, why have not these energy development projects moved forward?

Let me provide some background. Before leaving office, President George W. Bush lifted an executive moratorium that had previously barred oil and natural gas development in the deep waters of the Gulf of Mexico, and Congress subsequently rescinded a statutory moratorium that year. These actions were intended to open an estimated 5.8 million acres in the central gulf to oil leasing and make as much as 16 billion barrels of oil available.

However, after the Deepwater Horizon oilspill in the gulf in 2010, the Obama administration imposed a new moratorium that all but halted deepwater exploration and development in the area.

A number of investigations were conducted to determine the cause of the Deepwater Horizon accident and protect against similar incidents in the future, and that was appropriate. But it was neither necessary nor wise to halt all off-shore energy exploration and development in response to the spill. The country needs a reliable supply of oil to fuel our cars, homes, and power plants, not to mention satisfy the numerous manufacturing processes that rely on oil. Locking away the vast supply of oil in the deep waters of the gulf merely increased our Nation's vulnerability to oil shocks emanating from abroad, and put consumers at risk of higher gas prices.

Despite Federal court orders, it was not until the end of February 2011 that the Interior Department finally issued the first permit to allow the resumption of energy exploration and development. Unfortunately, the permit was for just a single project. Essentially, the moratorium has become a ''permittorium,'' or an extreme slow down of drilling permits allocated by the administration. This slow down has included delays, suspensions, revocations, and cancellations of lease permits. These moratoriums have caused six deepwater rigs to depart the gulf for other countries, taking valuable jobs, revenue, and income with them.

Others may soon leave as well. Former President Bill Clinton understands the damaging impact these de

facto moratoriums have on the economy. Last Friday, he called the continued delays ''ridiculous.''

Just as we should reopen the deep waters of the Gulf of Mexico to prudent exploration and development, so too should we lift the moratorium preventing job-creating development of resource-rich areas such as Alaska's Outer Continental Shelf, as well as oil shale in various Western States.

Senator MURKOWSKI of Alaska has pointed out that her State has estimated oil reserves in excess of 65 years' worth of Persian Gulf oil imports. Yet they are virtually off limits.

As Alaska's Governor, Sean Parnell, wrote in a recent Wall Street Journal op-ed:

> If Americans wonder what our economic Achilles' heel is, they need look no further than the federal regulatory system that delays permits for domestic exploration and production.

The Federal Government estimates that Alaska's Outer Continental Shelf holds 27 billion barrels of oil and 132 trillion cubic feet of natural gas. We could be drilling now in the Arctic Ocean off the coast of Alaska if the Environmental Protection Agency would speed things up and issue an air permit. Developing these resources would not only generate vast new supplies but translate to a lot of good jobs. In fact, a new study by Northern Economics and the University of Alaska Anchorage's Institute of Social and Economic Research shows that development of oil and gas in the Beaufort and Chukchi Seas of Alaska's Outer Continental Shelf would create 54,700 new jobs that would be sustained for 50 years. An estimated $63 billion would be paid to employees in Alaska, and another $82 billion would be paid to employees in the rest of the United States.

As the report notes:

> Domestic energy production is important for the security and prosperity of the United States. The money spent on domestic energy cycles through the U.S. economy, thereby increasing domestic activity and jobs.

Another resource-rich area in Alaska is ANWR. Despite being one of the largest resources of oil and gas in the United States, Alaska's ANWR is off limits for energy development. Tapping oil and gas supplies in ANWR would require opening just 2,000 acres of the 19 million-acre Arctic Plain to such development.

Remember, ANWR was specifically set aside by Congress for oil and gas exploration and development. It was specifically created for that purpose. This 2,000 acres would be the equivalent of the airport in Phoenix, called Phoenix Sky Harbor, inside an area the size of South Carolina—hardly noticeable.

Using directional drilling with a small environmental footprint, at least 1 million barrels of oil a day could be obtained from just this one area for the next 20 years. The U.S. Geological Survey has estimated that the area could have up to 16 billion barrels of recoverable oil, an amount that is equivalent to 30 years of Saudi oil imports.

Analysis from Arctic Power shows that opening ANWR to oil and gas production would create approximately 730,000 jobs.

Those opposed to developing these resources often make the argument that it will take 10 years to open ANWR. But if President Clinton had not vetoed legislation authorizing Arctic development in 1995, oil would likely be flowing from the area today, easing prices and helping to insulate our economy from the whims of OPEC. Continued delay will only put our Nation further at risk.

A few final points about abundant onshore oil resources—permits for which have also been blocked by the administration. In 2009, the administration canceled 77 oil and gas leases in Utah and in 2010 canceled another 61 in Montana. It has been estimated that the United States has approximately 800 billion barrels of technically recoverable shale oil, which is roughly three times more than the proven reserves of Saudi Arabia. Again, it is all off limits.

Finally, a note about the Strategic Petroleum Reserve. In recent days, some of my colleagues have called for tapping into the SPR to bring down gas prices. But this Strategic Petroleum Reserve is a national security tool to guard against an economically threatening disruption in oil supplies. It was never intended to be used to lower gas prices. Our problem today is not a matter of supply. We have plenty of supply.

Since its creation in 1995, a Presidentially directed release from SPR has occurred only twice—in 1995, at the beginning of Operation Desert Storm, and in 2005, after the devastation Hurricane Katrina caused in the Gulf of Mexico. The current SPR inventory is 720 million barrels, which equates to about 34 days of oil at current daily U.S. consumption. Tapping the Reserve is nothing more than a short-term political solution to a problem largely of the administration's own making—its continued refusal to allow access to our Nation's plentiful resources.

The benefits of increasing domestic energy production are unquestionable, especially at a time when gas prices are soaring and good jobs are needed by many Americans. I urge the administration to move swiftly in favor of issuing more production permits and urge my colleagues to support policies in favor of increased domestic energy production. There is no reason for further delay.

One of the most eloquent spokesman for this same point is on the floor, the Senator from Louisiana.

I am happy to yield the floor to her.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I wish to follow the remarks of the Senator from Arizona and associate myself with part of his remarks that have to do with the energy policy of our country.

I am disappointed in the administration's reluctance to get the Gulf of Mexico back to work. We did have a terrible tragedy in April, almost a year ago, April 20, the Deepwater Horizon catastrophe. For 40 years or longer, 40,000 wells have been drilled safely in the gulf, in shallow water and in deep, since 1940, deep water coming into play in about 1985. Up until the Deepwater Horizon accident, this industry had acted responsibly in large measure with cutting-edge technologies. Yes, we have to continue to investigate what happened, but shutting down so much of our domestic drilling with the unrest in other parts of the world is not the right policy.

I associate myself with the remarks of the Senator on energy as well as tapping into the Strategic Petroleum Reserve. This is not a crisis of supply; it is a crisis of pricing. SPR should only be tapped when there is a supply issue. We can get back to drilling more at home and be efficient in other places.

JAPAN EARTHQUAKE

Ms. LANDRIEU. What I really wish to talk about is to give my heartfelt condolences to the people of Japan. We have watched all weekend, my family and I, in horror, watching the scene unfold with the terrible catastrophe that struck Japan on Friday afternoon, following the earthquake, 9.0 on the Richter scale, followed by a terrible tsunami, a wave of water in some places 30 feet high that devastated coastal communities. Some of the pictures are reminiscent of what happened to us on the gulf coast about 5½ years ago when a 30-foot wave came ashore right into Gulfport and Biloxi and the catastrophe of manmade proportion, in our case, when the Federal levy system broke and 1,800 people lost their lives. But this situation in Japan is the worst crisis, according to their Prime Minister, since the Second World War.

It is going to take all of our best efforts, governments around the world, individuals, corporations, and businesses, to be generous. I hope the people of Louisiana and our cities and communities will be generous because we were so benefited by the warm generosity of the people of Japan and many volunteers who came from all over the country and the world.

I hope, as this week of search and rescue comes to a close, there will be time for debris cleanup and rebuilding and mental health counseling—all of the things that go into helping an area of the country survive and grow back. I know the people of Japan were as prepared as any country could be for a situation such as this, but the events of that day have overwhelmed one of the best and most organized governments in the world.

I am heartbroken to hear that thousands of people are yet unaccounted for. Our hearts go out to them. I hope our Nation will be generous in this time, not only from a charitable and

moral standpoint, but Japan is one of the strongest economies in the world.

From the State I represent, Louisiana, we are their second largest trading partner as a State. The people of Louisiana and all of our States have a vested interest in Japan getting back on its feet, getting better and stronger. We are still in the process of rebuilding New Orleans and the Lower Ninth Ward. New Orleans East, Gulfport, and Waveland are still struggling to come back—an important economic center for the country. But most certainly this coastal and industrial community around Sendai and other coastal communities are very important, not just to Japan but to the world.

I hope, with this 9.0 earthquake that hit, I hope people know this is 1,000 times worse than an 8 point on the Richter scale. It is not slightly worse; it is 1,000 times worse. This is a huge earthquake and shift in the Earth's plates—and then the subsequent tsunami.

On behalf of the people of Louisiana, we send special condolences and best wishes to the people of Japan as they recover and bury their dead, heal their injured, and begin to rebuild their cities and communities stronger than they were before. I hope we will all be as generous as we can.

One final point. This is a wake-up call to our country. As chairman of the Appropriations Subcommittee on Homeland Security, this is a wake-up call because we have not funded adequately our disaster response fund, the DRF. We are actually about $1.6 billion below where we should be. This is not a wise policy given what happened over the weekend. Catastrophes can strike without warning at any time. If we leave just the amount of money that is in the DRF and something like Katrina or this event were to happen, that money would be used up in 3 days. We have not replenished that fund.

I have called on the President to send a supplemental emergency bill. We can't pay for current disasters out of future preparedness money. That is what the continuing resolution in the House basically does. I strongly object to taking money we have set aside in the event that catastrophes happen to pay for past disasters. That is another reason I voted against the House concurrent resolution.

Now with the visual of this horrific tragedy unfolding in Japan, with the tsunami, the destruction of the cities, the two nuclear powerplants under extraordinary pressure, it does no good to take money out of paying for current disasters, paying for the past damage.

I have sent a letter to the President asking him to send up an emergency bill. It would be wise for us to pay for past emergencies off-budget and then to use our homeland security bill to budget as effectively and as appropriately as we can for disasters that may occur.

I am proud to say that the Democratic leadership has doubled the amount of money we are setting aside in case these things happen. It used to be only $800 million a year. Now we are budgeting close to 1.8 or 1.9, thinking that in the event that something happens, we want to be prepared.

In 48 States, disasters have been declared in the last 2 years, not just along the gulf coast. We have had flooding up in the Northeast. We have had flooding in the Midwest. We could potentially have—we had some flooding this weekend. I am not sure how widespread it was, but in New Jersey, there were scenes throughout the weekend about rivers overflowing as the spring approaches.

So let us, as we mourn for Japan and are in solidarity with them through this crisis, use this as a reminder to get our business straight, to get our budget straight and not mess around with our disaster relief fund. Let's pay for past disasters we owe the communities—we have pledged to help them rebuild—and set aside the appropriate money in the regular budget to take care of things that might happen this year as we advance.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Mr. President, I ask unanimous consent to proceed in morning business for 20 minutes instead of 10.

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

Mr. MCCAIN. And, Mr. President, I ask unanimous consent that after my opening statement, my colleague from Connecticut be allowed to give his statement, and then I ask unanimous consent that the Senator from Connecticut and I be allowed to engage in a colloquy. And I understand the Senator from Connecticut may be using his 10 minutes. Is that correct?

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

Mr. MCCAIN. Thank you, Mr. President.

LIBYA

Mr. MCCAIN. Mr. President, today my colleague, Senator LIEBERMAN, and I are preparing to submit a resolution on the situation in Libya.

Mr. President, is it allowed to send to the desk a resolution even though we are in morning business and its consideration be delayed until the appropriate time?

The ACTING PRESIDENT pro tempore. The resolution will then be received and appropriately referred.

Mr. MCCAIN. Mr. President, the wording of the resolution is a sense of the Senate. It is pretty simple and straightforward. It calls for a recognition of the provisional revolutionary government in Libya, and it calls for placing as rapidly as possible a no-fly zone over Libya. It has some other language associated with it, which I would go into later on. But the fact is, what it does is urge the President of the United States to take long-overdue action to prevent the massacres that are taking place in Libya as we speak. At this moment, opponents of Colonel Qadhafi and his supporters are fighting for their very survival.

The demands of the Libyan people began much like those of their neighbors in North Africa and the Middle East—for the protection of their universal rights, for greater political freedom and representative government, for justice and opportunity. But the response of Qadhafi and those still loyal to him stands in stark contrast to the inspiring events of what some are calling the Arab spring. Qadhafi has unleashed a merciless campaign of violence against the Libyan people, including civilian noncombatants, using every tool at his disposal, from artillery barrages, to airstrikes, to the employment of foreign mercenaries. As President Bill Clinton correctly stated last week, ''It is not a fair fight.''

It is not a fair fight, and now the hour is growing dark. Over the past week, the momentum has increasingly shifted away from the opposition and toward Qadhafi—showing once again what a lot of us understand about warfare: that a smaller well-trained, well-equipped force can usually prevail over a larger less-trained and less-equipped force.

One by one, towns that had been liberated by the opposition are now falling to Qadhafi's forces. We are only now beginning to learn the savage cost of those losses, especially on the civilian population—the women, children, and elderly who could neither fight nor flee Qadhafi's rampage and, of course, those brave Libyan rebels, or the many suspected of aiding their cause, who face certain death or perhaps a fate worse than death. We are horrified by what we have learned already, but what we have yet to learn and what we could still witness if Qadhafi's forces are allowed to finish this unfair fight will shock and offend the conscience of the entire world.

Last week, in a hearing in the Committee on Armed Services, the Director of National Intelligence said that absent outside assistance to the opposition, ''I think over the long term that the [Qadhafi] regime will prevail.'' And yet it is the policy of the United States, as stated by the President, that ''Qaddafi must step down from power and leave.'' That is the right policy, but it is increasingly at odds now with the facts on the ground.

So we face a stark choice: either the President and the United States take

greater action to achieve the objectives he has laid out or we allow events to play out as they are, meaning that Qadhafi reclaims control of their country.

The resolution Senator LIEBERMAN and I are submitting calls on the President to take a number of steps immediately to reverse this impending disaster.

First, the President should recognize Libya's Transitional National Council, which is based in Benghazi but representative of communities across the country as the sole legitimate governing authority of Libya—just as the government of France has done. President Sarkozy and the French have recognized the sole legitimate government in Libya as the provisional government which is based in Benghazi.

Some continue to say we do not know who the opposition is and, thus, we cannot assist them. That is ridiculous. They have been organized for weeks. Their senior leaders consist of longstanding critics of Qadhafi as well as officials who recently broke with his regime. They even have a Web site. And they are asking—they are pleading; they are pleading—for international support.

Qadhafi has forfeited the right to power through his vicious actions. We must recognize the opposition government.

Second, the President should take immediate steps to implement a no-fly zone in Libya with international support. Not only has the Libyan opposition government called for this, the Gulf Cooperation Council has called for a no-fly zone. The head of the Organization of the Islamic Conference has called for a no-fly zone. On Saturday, the Arab League called for a no-fly zone. The French and British Governments have voiced their support and have drafted a U.N. Security Council resolution to implement a no-fly zone. It is long past time for the President of the United States to answer these calls for international leadership. The United States of America must lead.

A no-fly zone was never going to be the decisive action that tipped the balance against Qadhafi, even when Senator LIEBERMAN and I called for it nearly 3 weeks ago, but it remains the case that a no-fly zone would take one of Qadhafi's most lethal tools off the table and thereby boost the confidence of Libya's opposition. It is Libyans themselves who want to do the fighting against Qadhafi, but they want it to be a fair fight, and so should we.

Finally, the President should develop and implement a comprehensive strategy to accomplish the stated U.S. objective of Qadhafi leaving power. Beyond a no-fly zone and beyond those actions such as sanctions and humanitarian assistance that we are already taking, there are many actions we could consider, from sharing intelligence on Qadhafi's forces with the opposition, to providing them with support for command and control, to technical assistance, and even forms of security assistance if they request it—we could jam Qadhafi's communications and his television—and if we can provide it in a responsible way.

Our window of opportunity to support the Libyan people is closing quickly, and this country has a choice to make. Are we going to take action to support the people of Libya in their fight for freedom or are we going to stand by doing more than nothing but less than enough to achieve our stated goal of Qadhafi leaving power?

We all say we support the universal rights of the Arabs and Muslims in countries across the Middle East and North Africa who are inspiring us all in their quest for greater freedom, opportunity, and justice. But Libya is the real test. It is the test of whether we will provide our support not just when it is easy but when it is difficult, when it requires more of us than just speeches and expressions of solidarity. If Qadhafi is allowed to prevail in Libya and crush his opponents, it will send a signal throughout the region that force is the way to respond to peaceful demands for a better life, and it will cause all of our expressions of support for the universal rights of all people to ring far more hollow.

Before I yield to my friend from Connecticut, I would like to point out that now we have former President Clinton, we have the Arab League, we have the French, the British, other nations throughout the world, and organizations in the region and without that are saying—crying out—that we need to help these people. And when President Obama says the noose is tightening around Colonel Muammar al-Qadhafi, in fact, it is tightening around the Libyan rebels. And the way he is doing it and what he is doing to his own people are crimes against humanity.

It is time we stood up. It is time we read from the New York Times this morning an article by Anne-Marie Slaughter entitled ''Fiddling While Libya Burns.'' It is time we read again, from Saturday, the Wall Street Journal's lead editorial entitled ''The Obama Doctrine, Libya is what a world without U.S. leadership looks like.''

> ''This is the Obama conception of the U.S. role in the world—to work through multilateral organizations and bilateral relationships to make sure that the steps we are taking are amplified.''

That was by National Security Council spokesman Ben Rhodes, as quoted in the Washington Post.

> ''They bombed us with tanks, airplanes, missiles coming from every direction. . . . We need international support, at least a no-fly zone. Why is the world not supporting us?''

That is from Libyan rebel Mahmoud Abdel Hamid, on March 10, as quoted in the Wall Street Journal.

These people are crying out for help. They are fighting for freedom. They are fighting an unequal situation on the battlefield. The least we can do—the very least we can do—is recognize them in their struggle for freedom and give them some assistance; otherwise, as the President's National Security Adviser stated on Friday: Qadhafi will prevail. That will send a signal throughout the world that we will have Tiananmen Squares in this world, not Tahrir Squares.

I yield to my colleague from Connecticut.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Arizona. It is my honor to join with him in submitting this resolution. I hope in time that we will gather the support of Members on both sides of the political aisle and that we will make a statement, an urgent statement, that the Members of the U.S. Senate are ready, across party lines, to take a stand because we understand we are at a turning point in history and we cannot stand back and hope it goes in the right direction. In fact, today, as we watch events unfolding in Libya, I think we have reason to believe it is going in exactly the wrong direction.

Let me read the first two paragraphs of this resolution Senator MCCAIN and I are submitting because I think it sets what is happening in Libya in a context and also explains why we think America has a national interest in how the conflict in Libya ends.

The first paragraph of the resolution we are submitting reads:

> Whereas peaceful demonstrations, inspired by similar peaceful demonstrations in Tunisia, Egypt, and elsewhere in the Middle East, began in Libya with calls for greater political reform, opportunity, justice and the rule of law and quickly spread to cities around the country.

The second paragraph:

> Whereas Muammar Qaddafi, his sons, and forces loyal to them have responded to the peaceful demonstrations by authorizing and initiating violence against civilian non-combatants in Libya, including the use of airpower, foreign mercenaries, helicopters, mortar and artillery fire, naval assets, snipers and soldiers.

I read those two paragraphs because they set exactly in context what is happening in Libya. The fact is that Libya is occurring in the context of these extraordinary, peaceful, democratic uprisings in Tunisia and Egypt that have been described—and I think correctly—as the Arab spring.

For too long, we accepted an argument that there were only two choices for the United States and most of the rest of the world in the Arab world. There was a choice between secular dictatorships that were cordial to us on one side and on the other side radical Islamist regimes that despised us and were threatening to us. We made our peace with those secular dictatorships, but it was inherently uncomfortable and inconsistent with our basic democratic values going back to the Declaration of Independence.

Beginning in Tunisia and spreading to Egypt and then to Libya and other

countries, the Arab people themselves rose up and said: No, there is a third way. And the third way is democracy. We want political freedom. We want economic opportunity. We want into the modern world. We don't want extremism of any kind.

Those revolutions, those uprisings resulted in the end of the rule of two longstanding rulers, Ben Ali in Tunisia and Mubarak in Egypt, and they happened peacefully for a lot of reasons. Part of it was that those two leaders did not order their militaries to turn on their own people, and the militaries, perhaps, in those two cases would not have done it in any case. So that is the Arab spring.

But now, in Libya, because Qadhafi has taken exactly the opposite position and turned his guns and his military power on his own people as they peacefully demonstrate for change, for universal human rights, there is a danger that what is happening in Libya is essentially a wall being put up which says: This peaceful democratic revolution in the Arab world ends here. To put it another way, the Arab spring may be going the way of the Prague spring of 1968 when the people of then-Czechoslovakia rose up and Soviet tanks and armaments suppressed their revolution. We simply cannot let that happen.

Senator MCCAIN and I were in Tunisia and Egypt a couple of weeks ago, and one of the messages we got, particularly from the young people who have been at the head of this remarkable uprising in these two countries, was: Don't stand by. Please, America, don't stand by and let Qadhafi bludgeon his own people who are asking for the same rights and opportunity and freedoms we have been asking for. If you do, it will end the movement of freedom and opportunity across the Arab world. In some sense, the Tunisians and Egyptians said to us: It may set back our own cause, even though we have been successful thus far. That is why it has been so frustrating, really infuriating, to watch as Qadhafi has moved with increasing brutality and force against his own people, pushing his opponents back, threatening to totally suppress their uprising.

I have been struck as I have watched that the world community—most of it—is spending so much time discussing and debating, and as the world discusses and debates what to do in Libya, Libya descends back into Qadhafi's darkness. We simply cannot let that happen.

The Libyan people are not asking us to come in and fight for them. The Libyan people don't want our troops on the ground. That is not what this resolution would authorize. The Libyan people want us to come to their aid in the sense of enabling them to fight Qadhafi's forces and Qadhafi to carry on as freedom fighters. They want recognition as the established and legal authority, sovereignty for their country. They would like some military assistance. They would like weapons. They would like the kind of intelligence and electronic assistance we can give, and they would like us in some way—a no-fly zone or using our capacity to fire missiles from offshore—to protect them from what has turned the tide in their struggle for freedom against Qadhafi and Libya, which is the brutal use of Libyan air power against the Libyan people. If we don't do this, I fear this Arab spring will turn to winter—a winter of darkness and suppression—again, too quickly, and the world will regret it.

People have said to Senator MCCAIN and me: What is the American national interest in getting involved in Libya? Let me just give a few reasons I think we do have an interest.

First, we have a clear national interest—a humanitarian interest—in not standing idly by and watching tens of thousands of people slaughtered by their own government. As I have said, if we stand by and do nothing, if this happens, it will be devastating to America's image in the Arab world and to our moral leadership throughout the world. Some people have argued: Why would we want to get involved in yet a third Arab or Muslim country, thinking of Iraq and Afghanistan before that. But this is more like 1990 and 1991 and the first gulf war when the Arab world itself was calling out to us: Please help us get Saddam out of Kuwait. The Arab world, as Senator MCCAIN said, is pleading with us: Help stop Qadhafi from slaughtering his own people, the blood of our brothers and sisters in Libya.

Second, we have a clear national interest in preventing Libya from becoming a failed state that al-Qaida and other Islamist groups will exploit, and that is precisely what will happen if this becomes a bloody and protracted civil war and then descends into chaos.

Third, if Qadhafi is able to defeat this uprising, it will send a message, as Senator MCCAIN has said, to every dictator in the world that the way to stop peaceful democratic protest is through brutal violence.

Fourth, I don't mean this quote literally, but remember the old phrase from earlier times in history: If you go after the king, make sure you eliminate him. Don't leave him wounded. If Qadhafi survives this, he is going to cause no end of trouble for the United States and anyone else in the world who stood with the freedom fighters. So let's not think we can stand idly by and that we will not pay ourselves the consequences of Qadhafi surviving.

Finally, there is a relationship between what is happening in Libya today and the instability it has caused throughout that region of the world and the skyrocketing price of gasoline at the pump that does concern the American people every day. In fact, with all that has been discussed, I think the best we can do to stabilize the price of gasoline in America is to stabilize Libya and to enable the Libyan opposition to Qadhafi to fight the fair fight they want to fight.

So that is the intention of this resolution. It is, as the French would say, a ''cris de coeur.'' It is a cry from our hearts because I fear we have let so much time go by that it may be impossible to enable the freedom fighters in Libya to wage a fair fight.

I hope their cause is not lost because it is our cause, and the least we can do is help them fight for that cause against the man who has suppressed that cause under his rule.

I thank the Chair and yield the floor.

Mr. MCCAIN. Mr. President, I ask my friend from Connecticut if we couldn't review a few of the facts as they are now. Despite the fact that the President made a statement that I am still bewildered by—I believe it was Saturday or Friday when the President said the noose is tightening around Colonel Muammar Qadhafi.

I think the facts on the ground indicate that with superior firepower, the ability to strike from the air, even if those strikes are not particularly effective—although, apparently, they are becoming more effective—and well-trained and well-equipped small forces, Colonel Qadhafi has been able to reverse the tide on the battlefield rather dramatically. All of the news reports are that the military situation on the ground has shifted dramatically in favor of Qadhafi's forces.

General Clapper, our Director of National Intelligence, said on Thursday that Qadhafi is likely to win in the long term. Then, on the other side of the coin, the President of the United States has said Qadhafi must go.

So I guess my first question to my colleague is—as the Wall Street Journal says, if Qadhafi survives, after Mr. Obama has told him to go, the blow to U.S. prestige and world order would be enormous. Dictators will learn that the way to keep America from acting is to keep its diplomats and citizens around while mowing down your opponents as the world debates contingency. By the time the babblers make a decision, it will be too late. This is a dangerous message to send at any time but especially with the Middle East in the throes of revolution.

American prestige is now on the line. The battlefield situation is that the tide is obviously against the prodemocracy forces. Wouldn't the message be sent to any dictator in any region of the world that rather than accept a situation such as happened in Egypt and Tunisia, send in the tanks, send in the military, slaughter people without consequence? Is that the lesson we would be sending, I ask my friend from Connecticut?

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Arizona. I fear that is exactly the message we would be sending if the United States and our allies stand back and let Qadhafi, through the force of his arms, suppress political dissent from his own people.

One of the inspiring qualities to the uprisings in Tunisia and Egypt was that they were peaceful. Incidentally, they were not anti-American. They were pro-Tunisia, pro-Egypt. The people of Tunisia and Egypt were pleading for a better life. So the model there and one of the most powerful examples of peaceful protests, which is part of American history, was established. It changed those two governments, Tunisia and Egypt.

Now we have another model being set; that is, when your people rise up and peacefully protest, you don't respond, you don't negotiate, you don't listen to them, you don't react. You turn your firepower on them. You kill them wantonly, and you keep doing that until that dissent ends. One, in a world that is increasingly dangerous, that is a terrible message to send.

Two, in a world in which—well, let's just go back a little bit to what were false choices in the Arab world. But in the uprisings in Tunisia and in Egypt, there has been expressed the strongest possible repudiation of al-Qaida on the one hand, and Iran on the other—that is the Government of Iran—both of which have followed an Islamist extremist ideology and used violence to achieve their ends.

So we have the Tunisia-Egypt model of peaceful protest, democracy, economic opportunity, and now we have the other model of Qadhafi, which is violence, which will beget more violence and will cost us dearly.

I say to my friend from Arizona, as we say in our resolution, President Obama has made clear that he believes Qadhafi must go. If, after that clear statement of American policy by our Commander in Chief, Qadhafi does not go, and it is seen not just in the Arab world but throughout the wider world that the United States was not able to mobilize action in the world community to make sure Qadhafi went, but in fact he stayed, it inevitably has an effect on the credibility of American leadership in the world.

None of us want that to happen, including President Obama. So it is not too late. The actions we have taken, significant as they are—sanctions on Qadhafi and some people close to him, the threat or the plan to refer others close to him to the International Court of Justice—all are important. But, unfortunately, what is more important now is what is happening on the ground in Libya. On the ground in Libya, the power of the forces of Qadhafi are winning in a fight that is not fair.

Mr. MCCAIN. Mr. President, I say to my friend that I think that is a strong and eloquent statement. I admit to the fact that the terrible tragedy that has transpired in Japan is one that has riveted the attention of our Nation and the world. Our hearts go out to the Japanese people and their government in this terrible time of trial. There is no way we can diminish the tragedy they are experiencing. But it is a natural disaster that was the catalyst for that terrible situation.

Meanwhile, in Libya, we have a human catalyst named Muammar Qadhafi. I admit and I will confess to having such a dull life that I watch a lot of cable television. I see expert after expert come before the cameras and give us reasons the United States should do nothing.

I commend to my colleagues for reading an article in today's New York Times by Anne-Marie Slaughter, formerly in policy planning at the State Department, as I understand it, in this administration or in another. It does respond to what we will hear continuously. The article is entitled ''Fiddling While Libya Burns.''

At the beginning, she points out that the Organization of the Islamic Conference, the Gulf Cooperation Council, and now the Arab League have all called for imposing a no-fly zone. She runs through the objections raised by various individuals and ''experts.'' One part is entitled ''It's Not In Our Interest.'' One is entitled ''It Will Be Counterproductive.'' Another is ''It Won't Work.'' Another is ''If It Does Work, We Don't Know What We Will Get.'' The last is ''Let's Arm The Rebels Instead.''

It addresses most of the main arguments. The only one I think should be added to this list is the likelihood that things are happening in Libya today, as we speak, that will remind us that several times in the last century—and even in this one—we said never again. We said never again after Srebenica, after Rwanda, after the Holocaust, and on several other occasions when nations stood by while slaughter was taking place.

Is there anyone who believes that Qadhafi has not practiced in the past, is practicing now, and will practice in the future unspeakable cruelties which will be inflicted upon his people who dare to stand up to him? So I say to my friend: Here we are.

We know what happened in Tripoli and what happened with air attacks that are taking place on defenseless individuals. We watch these brave young people go out there with the Kalashnikovs and other things and fight against the tanks and air power. As former President Clinton said so eloquently: It is not a fair fight. It is not a fair fight.

I guess there will be other consultations with our allies that we will undertake. I am glad to see that the Secretary of State is meeting with the leadership of the provisional government. I hope she will, as a result of that meeting, ask for the U.S. recognition of that organization as the legitimate government of the country of Libya. I hope all these things will happen. But, meanwhile, events are unfolding on the ground every second and minute, and the longer we wait to act, more Libyans will die. This is a preventable situation.

The events in Japan, we can argue, were not preventable. It was an act of God. What is happening in Libya is an act of a brutal tyrant and sadist who is willing to butcher his own people. We are doing everything we can, and we will do everything we can to help the people of Japan. We ought to be doing what we can to keep the people of Libya from a fate that, in some cases, to some individuals, may be worse than death.

I hope the majority leader will allow a vote on this sense-of-the-Senate resolution as soon as possible. I understand there will be those who may like to see slightly different language. We would be glad to change the language somewhat, but we will not change the message. The message is that the United States of America—the Senate of the United States is standing on the side of people who are standing up for freedom and democracy, a universal value that we treasure. We will not stint in our obligations. Those who say the most powerful Nation in the world is incapable of helping these people by installing a no-fly zone, I think that is not substantiated by the facts.

GEN Raymond Odierno said the other day that we could install a no-fly zone in just a few days. We could have naval power offshore that could enforce it in a variety of ways, from the sea as well as from the air. Also, it is very clear to me that if Libyan pilots are told if they fly they are going to die, a lot of them would not fly.

I don't want to focus so much attention on the no-fly zone as I do on what is happening to the people of Libya as we speak and the repercussions that could take place throughout the globe. I hope we can vote on this sooner rather than later. I ask my friend from Connecticut—I believe we are nearly out of time.

Mr. LIEBERMAN. Mr. President, I just want to conclude by saying this: In our history in this country we have, again, been quite fortunate, and it may be that—as a friend of mine said to me, it is hard for people to imagine themselves in a position where they would need to be rescued from danger, from death. Senator MCCAIN cited some of the episodes, dark times in recent history, where people needed that help from outside—the Holocaust, Srebenica, the Balkans, Rwanda. We acted. This is of that same type.

But when we think about Japan, there is this parallel to the United States. There have been natural disasters in this country—earthquakes, hurricanes. Katrina is an example. When the people of the gulf coast region pleaded with us, the central government, the National Government, the Federal Government, for help, we gave it to them. I will never forget what the Coast Guard did in rescuing lives on the gulf coast after Katrina. In some ways I think we have to perhaps see it as a manmade disaster, as a natural disaster. It is a basic rescue. In this case they are not asking us to fight their fight. They are asking us to leave them the weapons, the cover, so that they can fight their fight. That is the

intention of this resolution—bottom line—to recognize the opposition to Qadhafi in Benghazi as the government and legitimate suffering government of Libya, and then work with our allies in the world community, including not only our NATO allies but in the Arab League and the Gulf Council to protect the Libyan people from Qadhafi's air force.

I join with Senator MCCAIN in saying that I hope Senators REID and MCCONNELL can agree on a way to bring forth this resolution quickly. Every moment that passes without us helping the Libyan opposition to make it a fair fight is a moment in which darkness descends over Libya.

Again, Senator MCCAIN said we are willing to discuss changes to the resolution because we would like this to be a resolution that has the broadest possible bipartisan support in the Senate.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Wall Street Journal editorial entitled ''The Obama Doctrine,'' the New York Times article, ''Fiddling While Libya Burns,'' and, from the Daily Beast, an interview with the Libyan resistance leader, entitled ''Rebel Leader: Give Us A Chance,'' be printed in the RECORD.

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

[From the New York Times, Mar. 13, 2011]

FIDDLING WHILE LIBYA BURNS

(By Anne-Marie Slaughter)

President Obama says the noose is tightening around Col. Muammar el-Qaddafi. In fact, it is tightening around the Libyan rebels, as Colonel Qaddafi makes the most of the world's dithering and steadily retakes rebel-held towns. The United States and Europe are temporizing on a no-flight zone while the Organization of the Islamic Conference, the Gulf Cooperation Council and now the Arab League have all called on the United Nations Security Council to authorize one. Opponents of a no-flight zone have put forth five main arguments, none of which, on close examination, hold up.

IT'S NOT IN OUR INTEREST

Gen. Wesley K. Clark argues that ''Libya doesn't sell much oil to the United States'' and that while Americans ''want to support democratic movements in the region,'' we are already doing that in Iraq and Afghanistan. Framing this issue in terms of oil is exactly what Arab populations and indeed much of the world expect, which is why they are so cynical about our professions of support for democracy and human rights. Now we have a chance to support a real new beginning in the Muslim world—a new beginning of accountable governments that can provide services and opportunities for their citizens in ways that could dramatically decrease support for terrorist groups and violent extremism. It's hard to imagine something more in our strategic interest.

IT WILL BE COUNTERPRODUCTIVE

Many thoughtful commentators, including Al Jazeera's director general, Wadah Khanfar, argue that what is most important about the Arab spring is that it is coming from Arabs themselves. From this perspective, Western military intervention will play right into Colonel Qaddafi's hands, allowing him to broadcast pictures of Western bombs falling on Arab civilians. But these arguments, while important, must be weighed against the appeals of Libyan opposition fighters for international help, and now, astonishingly, against support for a no-flight zone by some of the same governments that have kept their populations quiescent by holding up the specter of foreign intervention. Assuming that a no-flight zone can be imposed by an international coalition that includes Arab states, we have an opportunity to establish a new narrative of Western support for Arab democrats.

IT WON'T WORK

The United States ambassador to NATO, Ivo H. Daalder, argues that stopping Colonel Qaddafi's air force will not be decisive; he will continue to inflict damage with tanks and helicopters, bombing oil refineries and depots on his way to retaking key towns. But the potential effect of a no-flight zone must also be assessed in terms of Colonel Qaddafi's own calculations about his future. Richard Downie of the Center for Strategic and International Studies argues that although Colonel Qaddafi cultivates a mad-dictator image, he has been a canny survivor and political manipulator for 40 years. He is aware of debates with regard to a no-flight zone and is timing his military campaign accordingly; he is also capable of using his air force just enough to gain strategic advantage, but not enough to trigger a no-flight zone. If the international community lines up against him and is willing to crater his runways and take out his antiaircraft weapons, he might well renew his offer of a negotiated departure.

IF IT DOES WORK, WE DON'T KNOW WHAT WE WILL GET

Revolutions are almost always followed by internal divisions among the revolutionaries. We should not expect a rosy, Jeffersonian Libya. But the choice is between uncertainty and the certainty that if Colonel Qaddafi wins, regimes across the region will conclude that force is the way to answer protests. And when Colonel Qaddafi massacres the opposition, young protesters across the Middle East will conclude that when we were asked to support their cause with more than words, we blinked. Americans in turn will read the words of Mr. Obama's June 2009 speech in Cairo, with its lofty promises to stand for universal human rights, and cringe.

LET'S ARM THE REBELS INSTEAD

Some commentators who agree with the analysis above say we could better accomplish our goals by providing intelligence and arms to the opposition. That would, of course, be much easier for us. It undoubtedly appeals to Mr. Obama as a neat compromise between the desire to help the protesters and the desire not to overrule his defense secretary's reluctance to participate in a no-flight zone. However, we would be providing arms not to a disciplined military, but to ragged groups of brave volunteers who barely know how to use the weapons they have. They need action that will change the situation on the ground for Colonel Qaddafi, as well as his calculations. Moreover, by the time arms and intelligence could take effect, it is quite likely that Colonel Qaddafi will have retaken or at least besieged Benghazi, the opposition stronghold.

The United States should immediately ask the Security Council to authorize a no-flight zone and make clear to Russia and China that if they block the resolution, the blood of the Libyan opposition will be on their hands. We should push them at least to abstain, and bring the issue to a vote as soon as possible. If we get a resolution, we should work with the Arab League to assemble an international coalition to impose the no-flight zone. If the Security Council fails to act, then we should recognize the opposition Libyan National Council as the legitimate government, as France has done, and work with the Arab League to give the council any assistance it requests.

Any use of force must be carefully and fully debated, but that debate has now been had. It's been raging for a week, during which almost every Arab country has come on board calling for a no-flight zone and Colonel Qaddafi continues to gain ground. It is time to act.

[From the Wall Street Journal, Mar. 12, 2011]

THE OBAMA DOCTRINE

Libya is what a world without U.S. leadership looks like.

''This is the Obama conception of the U.S. role in the world—to work through multilateral organizations and bilateral relationships to make sure that the steps we are taking are amplified.''

—White House National Security Council spokesman Ben Rhodes, March 10, 2011, as quoted in the Washington Post

''They bombed us with tanks, airplanes, missiles coming from every direction. . . . We need international support, at least a no-fly zone. Why is the world not supporting us?''

—Libyan rebel Mahmoud Abdel Hamid, March 10, 2011, as quoted in The Wall Street Journal

* * *

Whatever else one might say about President Obama's Libya policy, it has succeeded brilliantly in achieving its oft-stated goal of not leading the world. No one can any longer doubt the U.S. determination not to act before the Italians do, or until the Saudis approve, or without a U.N. resolution. This White House is forthright for followership.

That message also couldn't be clearer to Moammar Gadhafi and his sons, who are busy bombing and killing their way to victory against the Libyan opposition. As the U.S. defers to the world, the world can't decide what to do, and the vacuum is filled by a dictator and his hard men who have concluded that no one will stop them. ''Hear it now. I have only two words for our brothers and sisters in the east: We're coming,'' said Gadhafi's son, Saif al-Islam, on Thursday.

Three weeks into the Libyan uprising, here are some of the live action highlights from what Mr. Obama likes to call ''the international community'':

The United Nations Security Council has imposed an arms embargo, but with enough ambiguity that no one knows whether it applies only to Gadhafi or also to the opposition. Even the U.S. State Department and White House don't agree.

The U.N. has referred events to the International Criminal Court for a war crimes investigation. Mr. Obama said yesterday this sent a message to Gadhafi that ''the world is watching,'' as if Gadhafi didn't know. But it also sends a message that leaving Libya without bloodshed is not an option, because he and his sons will still be pursued for war crimes. Had Reagan pursued this strategy in the Philippines, Marcos might never have gone into exile.

France has recognized the opposition National Council in Benghazi, though the U.S. is only now sending envoys to meet with the opposition for the first time. Dozens of Western reporters can get rebel leaders on the phone, an opposition delegation has visited French President Nicolas Sarkozy in Paris, but the U.S. is still trying to figure out who these people are. The American envoys better hurry because the rebels may soon be dead.

The French want a no-fly zone, but the Italians and Germans object. NATO is having

''a series of conversations about a wide range of options,'' as President Obama put it yesterday, but NATO Secretary-General Anders Fogh Rasmussen emerged from a meeting of defense ministers in Brussels on Thursday saying that ''We considered . . . initial options regarding a possible no-fly zone in case NATO were to receive a clear U.N. mandate'' (our emphasis). The latter isn't likely because both China and Russia object, but no doubt NATO will keep conversing about the ''range of options'' next week.

Even as opposition leaders were asking for help, U.S. Director of National Intelligence James Clapper told the world on Thursday that Gadhafi is likely to win in the long-term. The Administration scrambled to say this was merely a factual judgment about the balance of military power, but the message couldn't be clearer to any of Gadhafi's generals who might consider defecting: Do so at your peril because you will join the losing side.

We could go on, but you get the idea. When the U.S. fails to lead, the world reverts to its default mode as a diplomatic Tower of Babel. Everyone discusses ''options'' and ''contingencies'' but no one has the will to act, while the predators march.

This was true in Bosnia and Kosovo in the 1990s until the U.S. shamed Europe and NATO into using force with or without a U.N. resolution. And it has been true in every case in which the world finally resisted tyrants or terrorists, from the Gulf War to Afghanistan to Iraq. When the U.S. chooses to act like everyone else, the result is Rwanda, Darfur and now Libya.

* * *

One difference in Libya is that the damage from a Gadhafi victory would not merely be humanitarian, though that would be awful enough. The only way Gadhafi can subdue Benghazi and the east now is with a door-to-door purge and systematic murder. The flow of refugees heading for Southern Europe would also not be small.

If Gadhafi survives after Mr. Obama has told him to go, the blow to U.S. prestige and world order would be enormous. Dictators will learn that the way to keep America from acting is to keep its diplomats and citizens around, while mowing down your opponents as the world debates contingencies. By the time the Babelers make a decision, it will be too late. This is a dangerous message to send at any time, but especially with a Middle East in the throes of revolution.

There is still time for Mr. Obama to salvage his Libya policy, though the costs of doing so are rising every day. Libya today is what a world without U.S. leadership looks like.

[From the DailyBeast.com, Mar. 14, 2011]

REBEL LEADER: GIVE US A CHANCE

With the Libyan resistance in retreat, opposition leader Mustafa Abdul Jalil tells The Daily Beast's Fadel Lamen that his side needs a no-fly zone and a naval blockade to create a fair fight.

Muammar Gaddafi gave an official face to his diffused opposition on Thursday by placing a $400,000 bounty on the head of Mustafa Abdul Jalil, Gaddafi's former justice minister who has now emerged as leader of Libyan National Transitional Council. And ever since, the dictator's forces have seemingly been trying to collect, overtaking city after city in the past few days, putting the rebels in full retreat.

The resistance's only hope seems to be some kind of intervention—most critically a no-fly zone, which the Arab League endorsed Saturday. That issue is expected to be taken up at the United Nations imminently, and Hillary Clinton is also flying east this week to meet with Jalil and other rebel leaders.

With that as a backdrop, The Daily Beast secured an exclusive interview with Jalil this weekend. He thanked the Arab League for their vote, terming it ''a first and important step and a basis for an international decision.'' Regarding Gaddafi's issuance of the $400,000 bounty against him (in doing so, the dictator labeled him an agent of the Italians, the British, and Libya's deposed royal family), Jalil refused to return the favor, saying only that ''he has no place in Libya anymore, if he leaves now we will not pursue him . . . the council and the Libyan people have no choice but to fight Gaddafi till the end.''

Jalil also touched base on the battlefield map, the makeup of the opposition, and the role of al Qaeda:

We have heard conflicting messages about international intervention, and whether the Libyan rebels want outside help or not. What is it that you want from the rest of the world?

We want a no-fly zone, and a naval blockade. Gaddafi has been using his air force and navy to destroy the country and all the cities. All we want is to have the international community level the playing field. We don't want boots on the ground. We can fight to liberate our own country with our own blood and that will be our honor.

We need the international community to recognize our council as the sole representative of the Libyan people. No Libyan so far disputed the legitimacy of the council except Gaddafi and whatever is left of this regime.

We need humanitarian help, like food and medicine. The lack of international decisiveness is sending Gaddafi and his gang the wrong message, it emboldened him and makes him feel free to commit more war crimes against the Libyan people.

We expect tough and hard days as the world saw what Gaddafi did in Zawiya and how he bombed the oil installations in Ras Lanouf. Gaddafi will use anything to stay in power and the Libyan people made the decision that he must go and genocide will be committed if the world community doesn't get its act together and help us.

Gaddafi's forces are clearly on the offensive, with the rebels in retreat. How do you evaluate the military situation right now?

What we see is not a war between two armies, but revolutionaries trying to free their country. They started peacefully but were attacked with violence and bullets, anti-aircraft machine-guns, and rockets and of course mercenaries. They are defending themselves and trying to free the rest of the country that is held hostage under Gaddafi.

The balance of power in the battlefield is not equal, but the sheer will of the Libyan people to rid the country of Gaddafi's regime, which like a cancer, requires sacrifice and blood like any other major surgery. We will prevail.

What about al Qaeda in Libya? Gaddafi blames the uprising on al Qaeda and there were several reports mentioning some kind of al Qaeda presence in Libya.

There is no al Qaeda in Libya. Gaddafi is using this as a scare tactic to create fear and distrust between us the international community, but the world learned a long time ago not to trust or believe Gaddafi. There is no place for al Qaeda in Libya, now or in the future. The Libyan people are moderate Muslims and do not subscribe to these extremist ideologies. Libya is and will be a moderate Muslim country where democracy and rule of law will be supreme.

The Libyan people suffered so much for over 41 years from Gaddafi's extremist ideology and will not replace it with anything but democracy and the rule of law. Libya is part of the Mediterranean basin and has a rich history and will always be a source of moderation and stability. We will respect all international laws and cooperate with the world community and bring the respect and trust that Libya enjoyed with the rest of the world before Gaddafi's 41 years of darkness.

There have been many reports in the Western press about the lack of a central opposition. How did you come up with the council and does it represent the Libyan people?

The council derives its legitimacy from the local councils that were organized by the local revolutionaries in every village and city, political councils organized to administer the local people's affairs like providing services, food, law and order.

Each locality nominated representatives to be members in the National Transitional Council, according to their population ratio of the total Libyan population. The main role of the council is to represent the interest of the Libyan people locally and internationally. Members of the council were chosen with no regard to the political views or leaning.

How long will this council last?

The role will end with the end of Gaddafi's regime. A transitional government will be formed around the members of the crisis team, of whom we named only two of its members: Ambassdor Ali Issawi and Omar al-Hariri, head of the military affairs. The council withheld names of members in other cities like Zawiya, Nalot, Musrata, Zentan, Zawara, Tripoli, Jado.

Given the unwieldly nature of such an organization, what's your decision-making mechanism?

We use wide consultations within and outside the council, we debate and discuss and try to reach consciences as we keep our goals. We don't suffer from any real disagreements or conflict within the council. We have developed several committees and teams to deal with legal, political, social, humanitarian, defense, oil, economy that we hope to become the seeds for the transitional government.

Should you prevail, what's your vision of the new Libya?

We are striving for a new democratic, civil Libya, led by democratic and civil government that focuses on economic development, building civil society and civil institutions and a multi-party system. A Libya that respects all international agreements, is good to its neighbors, stands against terrorism, with respect for all religions and ethnicities.

How would you the transition to a democratic Libya?

We will be seeking a smooth peaceful transition, with a drafting of a new constitution that will lead the country to a free and fair legislative and parliamentarian elections as well as presidential election. No member of the transitional council will have the right to run for any of these elections. There will be peaceful conference of governance according to elections, under the observation of the international organizations.

TRAGEDY IN JAPAN

Mr. LIEBERMAN. Mr. President, I want to take a minute to say what came to my mind over the weekend about Japan. Prime Minister Kan of Japan described this earthquake and tsunami as the worst thing to happen to Japan since World War II.

I suppose what struck me and struck probably a lot of other Americans was, of course, Japan and the United States were at war with each other in World War II. Today, the U.S.-Japanese relationship is extremely close. I believe

we don't have a better, more steadfast ally in Asia than the Japanese people. It is part of why I hope the people of Japan understand that the people of the United States are with them at this moment in which they suffer so from this natural disaster, and we will do everything we can to help them.

They are a proud people, but now they can't handle this all alone. We want to help them. We are a proud people. I want to share with my colleagues a conversation I had with the gentleman who was serving in the American Embassy in Tokyo at the time of Hurricane Katrina. He told me yesterday the Japanese people lined up outside our embassy in Tokyo after they heard about, watched films of Hurricane Katrina, to offer help, whatever they could offer. One private citizen of Japan, unannounced, arrived at the embassy and wrote out a private check for $1 million for Hurricane Katrina relief. This is the closeness of the relationship.

I hope and I am confident we will be as supportive of the Japanese people as they respond to this earthquake and tsunami and rebuild as they were to the people of the gulf coast in America in the aftermath of Hurricane Katrina.

I yield the floor.

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

Mr. ALEXANDER. Mr. President, as the Senator from Arizona and the Senator from Connecticut have done eloquently in their ways, I wish to express on behalf of the people of Tennessee to the people of Japan our sympathy for the devastation they have experienced.

I applaud the administration and the American people for their immediate response to offer assistance, charitable aid, and search and rescue teams to find survivors. There is no more important two-country alliance than that of Japan and the United States. The former Ambassador Mike Mansfield used to teach that to all of us younger Governors during the eighties and nineties. We will stand with the people of Japan until they recover from this disaster.

There is a special relationship between the Japanese and Tennesseans because of the location of so many Japanese industries in our State over the last 30 years. As a result, Tennesseans have been reaching out to our friends and their families in Japan.

We should also commend the Japanese for their courage they have shown in dealing with the devastation and in particular with their level-headed response to the damage at their nuclear reactors at Fukushima Daiichi. In this age when instant communication can sometimes create misinformation and even panic, the Japanese leadership and nuclear scientists are working with organizations from around the world in responding to the danger and keeping the rest of the world informed.

This is the largest earthquake in Japan's recorded history—30 times more forceful than the San Francisco earthquake of 1906 and 700 times stronger than the 2010 earthquake in Haiti. While the risk is by no means over and the events in Japan continue to evolve, the reactor safety systems so far appear to have done their job in withstanding the earthquake, tsunami, power loss, and explosions, and no other reactor containment structures seem to have been breached in these worst-case situations. The lessons that America can take away from this tragedy are this: Learn all we can from the Japanese experience to make the operation of American reactors as safe as possible.

Since the 1950s, the U.S. Navy has safely traveled more than 136 million miles on nuclear power. Today, 104 civilian reactors produce 20 percent of America's electricity and 70 percent of our clean electricity. That is without sulfur, without nitrogen, without mercury, or without carbon. No one has ever died from a nuclear accident at any of our commercial or Navy reactors.

Let me say that again. No one has ever died from a reactor accident at one of our Navy or commercial reactors.

Without nuclear power, it is hard to imagine how the United States could produce enough cheap, reliable, clean electricity to keep our economy moving and keep our jobs from going overseas.

Here is what we know about what has happened in Japan. We have all seen the video of the explosion of the building at Daiichi unit 1, now unit 3. I am sure many of us have thought those were reactors exploding. Fortunately, that is not what happened. A buildup of hydrogen gas in the secondary containment structures led to explosions which destroyed the buildings themselves but the primary containment structures inside appear not to have been compromised. To reduce the resulting increase in containment pressure, a relatively small amount of radioactive vapor has been dispersed into the atmosphere.

The Tokyo Electric Power Company has told us that the highest level of radiation detected onsite to date is 155.7 millirem per hour, and that has since been reduced to 4.4 millirem per hour. But what does that mean in regard to human exposure risk? To help put that in perspective, here are a couple of facts. The average American receives about 300 millirem of radiation exposure each year from naturally occurring sources, such as the Sun, and another 300 millirem of radiation exposure from medical applications, such as CT scans and x rays.

What did happen after the earthquake is that the ensuing tsunami crippled the backup electrical generators and batteries needed to keep cooling water circulating in the plants after they had been safely shut down. This ultimately led to use of the last line of defense emergency core cooling system—flooding the entire containment vessel with seawater. While this pretty much assures that the reactors will not ever be used again, as long as the seawater continues to be pumped in, the possibilities of further damage ought to be halted.

People have been evacuated and authorities are taking every precaution, and that, of course, is what we wish to see. Despite one of the largest earthquakes in the world's history, with accompanying tsunamis, fires, and aftershocks—multiple disasters compounded one on top of the other—the primary containment at reactors near the epicenter appears not to have been breached and the radioactive venting appears to have been controlled and minimal.

This experience has brought back memories of the 1979 accident at Three Mile Island in Pennsylvania. Although we remember Three Mile Island as the worst nuclear accident in U.S. history, it is also important to remember that no one was hurt at Three Mile Island. As I said before, there has never been a death resulting from a commercial nuclear accident in American history. What happened at Three Mile Island was basically an operator failure. A valve failed, and when the automatic safety mechanism kicked in, the operators overrode it because they became confused by the number of alarms.

Three Mile Island completely changed the American nuclear industry. The Kemeny Commission, appointed by President Carter, analyzed the problems and made many recommendations, almost all of which have been put into practice. The valve that started the whole thing had failed nine times, but the manufacturer tried to keep it a secret. People in the nuclear industry then did not talk to each other. Now safety is a top priority of the nuclear industry. The Institute of Nuclear Power Operations collectively shares best practices to achieve the highest levels of safety, as well as reliability. Nuclear operators train for 5 years before they can take over in the control room. They spend 1 week out of every 5 to 6 weeks in a simulator honing their skills. The nuclear companies have special emergency teams that can be dispatched anywhere in the country at a moment's notice. A Nuclear Regulatory Commission inspector practically lives onsite. What is more, every reactor in the country is on the hook for $112 million if something goes wrong at another reactor. As one can imagine, they watch each other very carefully.

I have talked with any number of Navy veterans who had experience with nuclear commands. One reason I am confident there have not been any nuclear reactor accidents in the nuclear Navy that killed anyone over the last half century is because the responsibility for the safety of that reactor goes right up to the captain of the vessel.

It was not the same at Chernobyl, the infamous 1986 Soviet accident.

Chernobyl involved 60 immediate deaths and radiation exposures that, according to the World Health Organization, may eventually result in 4,000 cancers. But Chernobyl was a completely different kind of accident and the result of different technology.

More than that, the Soviets had not built a containment structure at Chernobyl. The containment structures at these Japanese reactors—40 to 80 inches thick concrete and steel—appear, as we speak this afternoon, to have withstood an 8.9 magnitude earthquake, tsunami, power failure, and explosion.

There are gas and oil fires raging in Japan. Water and sewer systems are damaged. The possibility of disease and starvation is imminent. There are a great many things to worry about in addition to the problems with the Japanese reactors. There are tens of thousands of people still unaccounted for. Right now, the effort needs to be helping those who need help, containing further damage and risk, and getting Japan back up and running again. Then we can take the lessons learned from this earthquake and tsunami and apply them to make our nuclear plants as safe as possible and help the world do the same.

America's 104 nuclear reactors provide, as I mentioned earlier, 20 percent of our electricity, 70 percent of our clean electricity. Japan has 54 reactors and gets 30 percent of its electricity from nuclear. France gets 80 percent of its electricity from nuclear power. The United States invented nuclear power, but the Nuclear Regulatory Commission has not issued a construction license for a new reactor in more than 30 years. There are 65 reactors under construction around the world. However, only one of those 65 is in the United States, and that is the construction of a previously halted project by the Tennessee Valley Authority.

The Japanese and the French have surged into the lead in terms of nuclear power and are now being challenged by Korea and Russia on the international market. China, with 27 nuclear reactors currently under construction, will soon join them all.

Nuclear power today provides about 15 percent of the world's electricity. While there are always risks with every form of energy, it is important that we be clear about the risks each type of energy poses. But it is also important to remember that we do not abandon highway systems because bridges and overpasses collapse during earthquakes. The 1.6 million of us who fly daily would not stop flying after a tragic airplane crash. We cannot stop drilling after a tragic oilspill unless we want to rely more on foreign oil, run up our prices, turn our oil drilling over to a few big oil companies and all our oil hauling over to more leaky tankers. Mr. President, 34,000 people die in motor vehicle accidents every year, but we do not stop driving because we have to get our children to school and ourselves to work. In all of these cases, when there are accidents, we do our best to examine the tragedies and make our continued operation and our lives as safe as possible. That is what we need to do here.

Our reactors in the United States are built to the highest standards in the world. The Chairman of the Nuclear Regulatory Commission said in a press briefing today:

> Right now we believe that the nuclear powerplants in this country operate safely and securely.

The Chairman said:

> Nuclear powerplants in the United States are designed to very high standards for earthquake effects. All our plants are designed to withstand significant natural phenomena, like earthquakes, tornadoes, tsunamis. We will take whatever steps are necessary to ensure the safety and security of nuclear powerplants in the country. But right now, we believe we have a very strong program in place.

''As we get more information from Japan,'' said the Chairman of the U.S. Nuclear Regulatory Commission, ''as this immediate crisis ultimately comes to an end, we will look at whatever information we can gain from this event and see if there are any changes we need to make in our system.''

The Deputy Secretary of Energy said:

> Nuclear power has been a critical component of the United States energy portfolio.

The White House press secretary, on behalf of President Obama, said:

> Nuclear power remains a part of the President's overall energy plan.

Despite the fact that there has never been a death as a result of the operation of a commercial American reactor or in our nuclear Navy, which has been using reactors in its ships and submarines since the 1950s, our goal should be to continue every effort to try to make certain the operation of our existing and new nuclear powerplants are as safe as possible.

For example, some have suggested that so-called passive cooling systems that operate on natural convection could prevent the problems that arose in Japan when the backup power to pump water was lost.

Nuclear power is a demanding but manageable technology. As we move forward, let us learn the proper lessons from this Japanese experience to make sure that in the United States and in the world, we are even better prepared for the unexpected events of the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF JAMES EMANUEL BOASBERG TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of James Emanuel Boasberg, of the District of Columbia, to be United States District Judge.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate, equally divided and controlled between the two leaders and their designees.

The Senator from Vermont.

Mr. LEAHY. 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. LEAHY. 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. LEAHY. Mr. President, today the Senate will finally consider a judicial nomination I have been talking about since last year. Judge Boasberg is one of four nominees to the vacancies that have plagued the district court for the District of Columbia, this Nation's Capital for some time. This is another of the nominations that could—and in my view should—have been considered and confirmed last year. Instead, it was unnecessarily returned to the President without final Senate action despite the nominee's qualifications and the needs of the American people to have judges available to hear cases in the Federal courts. The President has had to renominate Judge Boasberg, the Senate Judiciary Committee has had to reconsider him and now, finally, the Senate is being allowed to consider him.

I suspect the Senate will now confirm him unanimously or nearly so. Judge Boasberg has outstanding credentials. He was appointed to be a judge in DC by President George W. Bush in 2002. He has a wealth of experience, having presided over approximately 500 cases. He is a former assistant U.S. attorney, and received the highest peer review rating of well qualified from the Standing Committee on the Federal Judiciary of the American Bar Association.

Yet as we proceed with this nomination, Senate Republicans have objected to proceeding to the nomination of Amy Jackson. Both Judge Boasberg and Ms. Jackson were reported without opposition by the Judiciary Committee last year and, again, earlier this year. I have spoken about the vacancies in the District of Columbia on numerous occasions, including as recently as last week. I noted the criticism from Chief

Judge Lamberth of the U.S. District Court for the District of Columbia. Chief Judge Lamberth wrote to Senate leaders last November urging action by the Senate to fill the vacancies that exist on the district court for the District of Columbia. We could and should have acted on both these nominations last year in response to that request. They were reported unanimously by the Judiciary Committee last year. These two judicial nominees to fill longstanding vacancies have been waiting too long for final consideration by the Senate.

While I am glad we are ending the wait for Judge Boasberg, the refusal to proceed on the Jackson nomination is just another example of the needless delays on considering outstanding nominees. Ms. Jackson is a former assistant U.S. attorney with outstanding credentials and experience. She, too, received the Standing Committee on the Federal Judiciary of the American Bar Association's highest peer review rating of well qualified. Representative NORTON has called her one of the top practitioners in one of the District's top law firms, and has strongly endorsed her nomination.

In addition to Judge Boasberg, there are still 10 judicial nominees left waiting for Senate consideration having been reviewed by the Judiciary Committee: nominees to fill two judicial emergency vacancies in New York, a judicial emergency vacancy on the Second Circuit, a judicial emergency vacancy in California and vacancies on the Federal and DC Circuit, a vacancy in Oregon, and two vacancies in Virginia. They should be debated and confirmed without delay as well. I urge the Senate leadership to proceed to debate and vote on them before the upcoming recess. We should be working to clear the calendar before the recess and not unnecessarily extend these vacancies. That is what a return to regular order entails.

The Judiciary Committee is holding hearings every 2 weeks and we hope finally to begin to bend the curve and start to lower judicial vacancies across the country.We can do that if the Senate continues to consider judicial nominations in regular order as they are reported by the Judiciary Committee.

Federal judicial vacancies around the country still number too many, and they have persisted for too long. That is why Chief Justice Roberts, Attorney General Holder, White House Counsel Bob Bauer and many others—including the President of the United States—have spoken out and urged the Senate to act.

Nearly one out of every nine Federal judgeships remains vacant. This puts at serious risk the ability of all Americans to have a fair hearing in court. The real price being paid for these unnecessary delays is that the judges that remain are overburdened and the American people who depend on them are being denied hearings and justice in a timely fashion. When Chief Judge Lamberth wrote to Senator REID and Senator MCCONNELL last November, he noted that Senate action to fill the vacancies in DC was needed so that ''the citizens of the District of Columbia and the Federal Government and other litigants'' who rely on the Court could receive ''the high quality of justice they deserve.'' The Chief Judge wrote about the ''severe impact'' these judicial vacancies were having and observed that the ''challenging caseload'' of the court ''includes many involving national security issues, as well as other issues of national significance.''

I ask unanimous consent that a copy of the Chief Judge's letter be printed in the record at the end of my statement.

I also ask unanimous consent to have printed in the RECORD at the end of my statement recent articles from the Palm Beach Post and the Associated Press about the delays in judicial confirmation and some additional examples of difficulties being caused. The Florida paper reports on the crisis in south Florida and the watch list for Federal courts with high caseloads and high vacancies. The Associated Press report is on the situation in Rhode Island where dozens of cases have had to be reassigned to judges in New Hampshire and Massachusetts because the Senate continues to delay consideration of the nomination of Jack McConnell.

The PRESIDING OFFICER. Without objection it is so ordered.

(see exhibits 1 and 2.)

Mr. LEAHY. Regrettably, the progress we made during the first 2 years of the Bush administration has not been duplicated, and the progress we made over the 8 years from 2001 to 2009 to reduce judicial vacancies from 110 to a low of 34 was reversed. The vacancy rate we reduced from 10 percent at the end of President Clinton's term to less than 4 percent in 2008 has now risen back to over 10 percent. In contrast to the sharp reduction in vacancies we made during President Bush's first 2 years when the Democratically controlled Senate confirmed 100 of his judicial nominations, only 60 of President Obama's judicial nominations were allowed to be considered and confirmed during his first 2 years. We have not kept up with the rate of attrition, let alone brought the vacancies down. By now they should have been cut in half. Instead, they continue to hover around 100. After tonight's confirmation, they will still number 96.

The Senate must do better. The Nation cannot afford further delays by the Senate in taking action on the nominations pending before it. Judicial vacancies on courts throughout the country hinder the Federal judiciary's ability to fulfill its constitutional role. They create a backlog of cases that prevents people from having their day in court. This is unacceptable.

We can consider and confirm this President's nominations to the Federal bench in a timely manner. President Obama has worked with Democratic and Republican home State Senators to identify superbly qualified, consensus nominations. The nominations on the Executive Calendar should not be controversial. They all have the support of their home State Senators, Republicans and Democrats. All have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution.

During President Bush's first term, his first 4 tumultuous years in office, we proceeded to confirm 205 of his judicial nominations. We confirmed 100 of those during the 17 months I was chairman during President Bush's first 2 years in office. So far in President Obama's third year in office, the Senate has only been allowed to consider 72 of his Federal circuit and district court nominees. We remain well short of the benchmark we set during the Bush administration. When we approach it we can reduce vacancies from the historically high levels at which they have remained throughout these first 3 years of the Obama administration to the historically low level we reached toward the end of the Bush administration.

I have thanked the ranking Republican on the Judiciary Committee, Senator GRASSLEY, for his cooperation this year. I was pleased to see him taking credit for what he called ''our rapid pace.'' I was encouraged by his commitment to ''continue to move consensus nominees through the confirmation process.'' That should be good news to Ms. Jackson and the other judicial nominees now available and ready to be confirmed without further delay.

My friend from Iowa is fond of pointing to the vacancies for which there are not nominees. Of course, some of that is attributable to a lack of cooperation by certain home State Senators with the White House. Nonetheless, I agree with the Senator from Iowa that we can do little about confirming nominations we do not have. What we can do is proceed expeditiously with the qualified nominations the President has sent to the Senate.

In that regard, I would temper my friend's extolling our achievements this year by observing that every judge confirmed so far this year could and should have been confirmed last year. Every one of them was unanimously reported last year and would have been confirmed had Republicans not objected and created a new rule of obstruction after midterm elections. We have long had the ''Thurmond rule'' to describe how Senator Thurmond shut down the confirmation process in advance of the 1980 Presidential election. Last year's shutdown was something new. I cannot remember a time when so many consensus nominees were left without Senate action at the midterm point of a Presidency. That new level of obstruction has contributed to our being so far behind and judicial vacancies having been perpetuated at so high a level for too long.

EXHIBIT 1

U.S. DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA,
Washington, DC, November 4, 2010.

Re Judicial Vacancies—United States District Court for the District of Columbia

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR REID AND SENATOR MCCONNELL: On behalf of the judges of the United States District Court for the District of Columbia, I request that the Senate act soon to fill the vacancies that exist at our Court.

Of our 15 authorized judgeships, we currently have four vacancies. One has been vacant since January 2007. With the additional vacancy that will result from Judge Ricardo M. Urbina's assumption of senior status, effective January 31, 2011, this Court faces the prospect of having only 10 of its 15 authorized judgeships filled. The severe impact of this situation already is being felt and will only increase over time. The challenging caseload that our Court regularly handles includes many involving national security issues, as well as other issues of national significance. A large number of these complex, high-profile cases demand significant time and attention from each of our judges.

Without a complement of new judges, it is difficult to foresee how our remaining active judges will be able to keep up with the heavy volume of cases that faces us. A 33 percent vacancy ratio is quite extraordinary.

Two nominees (Beryl Howell and Robert Wilkins) have been reported out of the Senate Judiciary Committee and await floor votes; two nominees (James Boasberg and Amy Jackson) have had their hearings and hopefully will soon be reported out of Committee.

We hope the Senate will act quickly to fill this Court's vacancies so the citizens of the District of Columbia and the Federal Government and other litigants who appear before us continue to enjoy the high quality of justice they deserve.

Sincerely,

ROYCE C. LAMBERTH,
Chief Judge.

EXHIBIT 2

[From the Palm Beach Post, Mar. 6, 2011]

FEDERAL JUDGE VACANCIES: CONFIRMATION LAG KEEPING BENCHES COOL IN SOUTH FLORIDA

(By Jane Musgrave)

U.S. District Judge Daniel T.K. Hurley has been waiting 741 days—about two years—for his replacement to be named.

Although the genial 67-year-old former Palm Beach County circuit judge planned to remain on the bench in a limited capacity, he said the delay is worrisome.

''One of the great concerns for the court as an institution is that over time we'll have other vacancies, and if the vacancies aren't filled in a timely manner,'' legal logjams eventually will prevent people from getting their day in court, he said.

With two of his colleagues—U.S. District Judges Alan Gold in January and Paul Huck in July—joining him on what is known as senior status, his concern is more than academic.

The glacial speed of the U.S. Senate's judicial confirmation process, blamed on partisan politics, has hobbled courts throughout the country.

In January, a judicial emergency was declared in Arizona. To help judges deal with burgeoning immigration and border security cases, the declaration lets them waive 70-day speedy-trial requirements and not bring criminal defendants to trial for as long as six months.

Although spurred by the shooting rampage that left Chief Judge John Roll dead and U.S. Rep. Gabrielle Giffords wounded, the situation in Arizona was dire even before Roll's death.

South Florida is in danger of a similar crisis. Like 26 district and appellate courts throughout the country, it is on a federal watch list because of the high caseloads and disappearing judges.

Today, a person filing a civil lawsuit in federal court can expect to wait two years to get to trial, according to the Administrative Office of the U.S. Courts. Such delays have widespread and unintended ripple effects, said Ian Millhiser, a policy analyst for the left-leaning Center for American Progress.

''It has serious consequences for business,'' he said. ''Imagine you're a corporation with a multimillion- dollar lawsuit hanging over your head. Even if you think you can win it, you're not going to be hiring until it is resolved, and it could take years.''

The number of seats that have remained vacant since President Obama took office two years ago is unprecedented, he said. Obama's predecessors enjoyed confirmation rates as high as 93 percent, but less than 60 percent of his nominees have been confirmed. George W. Bush had a 76 percent confirmation rate during his first two years in office.

Though the Senate confirmed six federal judges last month, 98 seats are vacant, says the Office of U.S. Courts. More vacancies are expected.

''Federal judges are now retiring faster than they are being replaced,'' Millhiser said.

Further, he said, 81 of the vacancies are district judgeships, appointments that have historically never generated controversy. Unlike appellate judges, who often establish law, the work of the lower-court judges—drug and immigration violations, job discrimination and defective-product lawsuits—is generally routine.

''It's not ideological,'' he said. 'There's no Democratic or Republican way to set a summary judgment hearing.''

Rachel Brand, who oversaw judicial appointments as an associate counsel to Bush, pointed out that Bush made judicial appointments a priority. Although Obama initially made a flurry of nominations, it slowed, she said in a panel discussion in November sponsored by the American Constitution Society for Law and Policy. Of the 98 vacancies, only 46 nominations are pending.

Other priorities, such as getting two U.S. Supreme Court justices confirmed, seemed to distract Obama's administration, she said.

Further, she said the delays can't be blamed solely on Senate Republicans. ''You'd think (59) senators could do something,'' she said of the Democratic majority that existed until the party lost six seats in the November elections.

The problem, Millhiser said, is that Senate rules empower ''the extreme fringes.'' Though Senate Majority Leader Harry Reid, D–Nev., and Minority Leader Mitch McConnell, R–Ky., recently cut a deal to speed nominees through floor votes, that agreement means nothing if more ideological wills prevail.

''The Senate rules allow an single senator to allow 30 hours of debate,'' he said. ''The extreme fringe can prevent a significant amount of progress. It creates a minority-rule situation.''

Senate Judiciary Committee approval of Kathleen Williams, the lawyer tapped to replace Hurley, has been delayed despite the bipartisan support she received from Florida Sens. Marco Rubio, a Republican, and Bill Nelson, a Democrat. Obama submitted her name to the committee in July.

Local attorneys said they are flummoxed by the delay in confirming Williams, the federal public defender for Florida's Southern District since 1995.

Other candidates have enjoyed bipartisan support. Of the 38 candidates who cleared the Judiciary Committee last year, 29 were endorsed unanimously but never presented for confirmation to the full Senate, Millhiser said.

Among local attorneys, the conclusion seems obvious: ''it's just partisan politics,'' Val Rodriguez said.

Miami attorney Neal Sonnett, a former president of the American Judicature Society, which focuses on promoting an independent judiciary, agreed. Last year Republican senators blocked the confirmation process, hoping they would seize control of the Senate in the November elections, he said. Now it appears some are intent on stalling nominations until after the 2012 elections, when they hope to put one of their own back in the White House, he said.

So far, attorneys said they haven't seen lengthy delays in getting cases heard and resolved in South Florida. Chief U.S. District Judge Federico Moreno said the district is lucky because seven senior judges still handle some cases. Further, Hurley said, case filings have slowed, in part, because of the economy.

While he credits the 15 full-time judges with moving cases quickly, attorney Ted Babbitt says eventually something has to give.

''The average person is going to get hurt because they're going to have to wait to have their cases heard,'' he said.

[From the Associated Press, Mar. 7, 2011]

RI JUDGE HOLDUP SENDS 2 DOZEN CASES TO NH, MA

(By Ian MacDougall)

PROVIDENCE, RI.—Rhode Island's top federal judge says a four-year judicial vacancy left open amid partisan bickering in the U.S. Senate has prompted her court to take the unusual step of reassigning more than two dozen civil cases to judges in New Hampshire and Massachusetts.

In an interview, Chief Judge Mary M. Lisi told The Associated Press the vacancy has left her and Rhode Island's other federal judge, William E. Smith, with a growing caseload that has begun to reach a critical mass.

The vacancy ''has had a major impact on the business of the court,'' Lisi said. ''We have an increasing caseload being handled by only two people where three judges are authorized.''

Lisi said her primary reason for moving the cases was that she worried a lag in rendering decisions at key points in the litigation would leave plaintiffs and defendants in the lurch. She said she chose to reassign cases with important motions pending.

''Our job is to resolve cases and to do so in as timely and efficient a manner as we can. And when our ability to do so is hampered, I don't think that's good for any participants in the process,'' she said.

A third judge, Ronald R. Lagueux, who is a senior judge, has volunteered to help to ease the burden on Lisi and Smith.

The case reassignment is one example of a real effect and a real cost, to travelling litigants, lawyers and judges of the often-snarled judicial appointment process whose unknotting U.S. Supreme Court Chief Justice John Roberts called for in December.

''Each political party has found it easy to turn on a dime from decrying to defending

the blocking of judicial nominations, depending on their changing political fortunes,'' Roberts wrote in his 2010 report on the federal judiciary. ''There remains . . . an urgent need for the political branches to find a long-term solution to this recurring problem.''

Twenty-five of the Rhode Island civil lawsuits were reassigned to New Hampshire and two to Massachusetts in late January, about two weeks after President Barack Obama nominated Jack McConnell, a Rhode Island trial attorney, to the state's vacant judgeship for the third time. The nomination has faced resistance from some Senate Republicans and staunch opposition from the U.S. Chamber of Commerce. The chamber claims McConnell's track record, which includes suing former lead paint companies, evinces a bias against business defendants.

McConnell declined to comment on his nomination.

In November 2007 almost a year after the vacancy opened then-President George W. Bush nominated Lincoln Almond, a federal magistrate judge in Rhode Island. His candidacy fizzled after a lukewarm reception from U.S. Sens., Jack Reed and Sheldon Whitehouse.

Normally, cases are assigned to judges elsewhere, who follow the rules of the originating court, only when all judges in a given district recuse themselves. Lisi says the current situation is unique in recent state history.

Other districts facing stalled appointments have not yet taken similar steps.

However, Peter Oppeneer, court clerk for the Western District of Wisconsin, said that court might need to look to other districts for help if a vacancy there takes a long time to fill. Some Senate Republicans have opposed Obama's nominee to that judgeship, Louis Butler.

The Rhode Island reassignment has generated some confusion and consternation among state lawyers.

George Babcock, who's suing on behalf of more than a dozen clients in a foreclosures case transferred to New Hampshire, says the move is upsetting to some of his clients and potentially expensive. He says the court has told him the case, if it goes to trial, will be heard in Concord, N.H.

''I want to work on my cases in my office, not in a Motel 6,'' Babcock said. ''And with all these clients, I'm going to have to rent a whole wing at the Motel 6.''

Other lawyers with reassigned cases say New Hampshire judges have offered to travel to Providence. It is ultimately up to each individual judge to decide where the case should be heard, according to David DiMarzio, clerk for federal court in Rhode Island.

There are just over 2,500 civil cases and 205 criminal cases pending in Rhode Island, according to court figures. Of the civil cases, over 1,600 are part of multi-district litigation that Lisi says the court accepted before realizing it would be faced with an extended vacancy.

For now, Lisi says, she does not plan to transfer more cases to other districts.

Mr. LEAHY. Mr. President, I am about to suggest the absence of a quorum, but I ask unanimous consent that when I suggest the absence of a quorum, the time be equally divided between both sides.

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

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

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

(The remarks of Mr. NELSON of Florida are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, today, we will confirm yet another of President Obama's judicial nominees. After today's vote, we will have confirmed five judicial nominees in the last 5 legislative days. We are moving swiftly in committee and on the Senate floor. Notwithstanding our quick pace, we hear from some that we are not moving fast enough. As I have said before, our side will continue to work in good faith to process consensus nominees. But we will not place quantity confirmed over quality confirmed. These lifetime appointments are too important to the Federal judiciary and the American people to simply rubberstamp them.

Today we will vote on Judge James Boasberg to sit on the U.S. District Court for the District of Columbia. Judge Boasberg is not the first individual nominated to fill this vacancy. This seat became vacant in May 2008, when Judge Thomas F. Hogan took senior status. President Bush nominated Jeffrey Adam Rosen in June 2008. He was unanimously rated well qualified by the ABA Standing Committee on the Federal Judiciary. He had over 20 years of experience in private practice, principally involved in complex business litigation matters. He had more than 5 years of public service, having served as general counsel at the Office of Management and Budget and at the U.S. Department of Transportation. Despite his qualifications, Mr. Rosen's nomination languished in committee for over 6 months.

While I am disappointed Mr. Rosen was not given any consideration, I am pleased to be able to support Judge Boasberg. He was nominated last June and had his hearing in September. He was reported out of committee last December, during the lameduck session, and the Senate was unable to complete action on the nomination. The committee moved quickly on his renomination this year, reporting him out of committee last month.

Judge Boasberg presently serves as an associate judge of the Superior Court of the District of Columbia. Following the Senate's unanimous confirmation, President George W. Bush appointed him to this position in August, 2002.

Judge Boasberg earned his B.A., magna cum laude, from Yale College, his master of studies from Oxford University, and his juris doctor from Yale Law School. After completing law school, he clerked for the Honorable Dorothy W. Nelson of the U.S. Court of Appeals for the Ninth Circuit. He then went into private practice, working as a litigator on complex business and white-collar defense matters.

Judge Boasberg also served as an assistant U.S. attorney for the District of Columbia. There he prosecuted criminal matters and specialized in homicide cases. He has received a unanimous well qualified rating from the ABA Standing Committee on the Federal Judiciary.

I am pleased this seat is being filled with someone who has concrete knowledge of what it takes to be a judge, and I hope Judge Boasberg continues to work hard to serve the American people.

I congratulate the nominee and his family on this important lifetime appointment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. GRASSLEY. 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. GRASSLEY. Mr. President, I yield back the remainder of the time on our side.

The PRESIDING OFFICER. The time is yielded back.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of James Emanuel Boasberg, of the District of Columbia, to be United States District Judge for the District of Columbia?

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Idaho (Mr. CRAPO), and the Senator from Idaho (Mr. RISCH).

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 39 Ex.]

YEAS—96

Akaka	Bennet	Brown (MA)
Alexander	Bingaman	Brown (OH)
Ayotte	Blumenthal	Burr
Barrasso	Blunt	Cantwell
Baucus	Boozman	Cardin
Begich	Boxer	Carper

Casey	Johnson (SD)	Paul
Coats	Johnson (WI)	Portman
Coburn	Kerry	Pryor
Cochran	Kirk	Reed
Collins	Klobuchar	Reid
Conrad	Kohl	Roberts
Coons	Kyl	Rockefeller
Corker	Landrieu	Rubio
Cornyn	Lautenberg	Sanders
DeMint	Leahy	Schumer
Durbin	Lee	Sessions
Ensign	Levin	Shaheen
Enzi	Lieberman	Shelby
Feinstein	Lugar	Snowe
Franken	Manchin	Stabenow
Gillibrand	McCain	Tester
Graham	McCaskill	Thune
Grassley	McConnell	Toomey
Hagan	Menendez	Udall (CO)
Hatch	Merkley	Udall (NM)
Hoeven	Mikulski	Vitter
Hutchison	Moran	Warner
Inhofe	Murkowski	Webb
Inouye	Murray	Whitehouse
Isakson	Nelson (NE)	Wicker
Johanns	Nelson (FL)	Wyden

NOT VOTING—4

Chambliss	Harkin
Crapo	Risch

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table.

Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative action.

SBIR/STTR REAUTHORIZATION ACT OF 2011—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 17, S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

Harry Reid, Mary L. Landrieu, Benjamin L. Cardin, Charles E. Schumer, Daniel K. Inouye, Joseph I. Lieberman, Bernard Sanders, Debbie Stabenow, Patrick J. Leahy, Tom Harkin, Kay R. Hagan, Michael F. Bennet, Al Franken, Herb Kohl, Sheldon Whitehouse, Thomas R. Carper, Richard J. Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes, shall be brought to a close?

The yeas and nays are ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Idaho (Mr. CRAPO), and the Senator from Idaho (Mr. RISCH).

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

The yeas and nays resulted—yeas 84, nays 12, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—84

Akaka	Franken	Menendez
Alexander	Gillibrand	Merkley
Barrasso	Graham	Mikulski
Baucus	Grassley	Moran
Begich	Hagan	Murkowski
Bennet	Hatch	Murray
Bingaman	Hoeven	Nelson (NE)
Blumenthal	Hutchison	Nelson (FL)
Blunt	Inhofe	Portman
Boozman	Inouye	Pryor
Boxer	Isakson	Reed
Brown (MA)	Johanns	Reid
Brown (OH)	Johnson (SD)	Roberts
Burr	Kerry	Rockefeller
Cantwell	Kirk	Sanders
Cardin	Klobuchar	Schumer
Carper	Kohl	Shaheen
Casey	Kyl	Shelby
Coats	Landrieu	Snowe
Coburn	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Levin	Thune
Conrad	Lieberman	Udall (CO)
Coons	Lugar	Udall (NM)
Corker	Manchin	Warner
Durbin	McCain	Webb
Enzi	McCaskill	Whitehouse
Feinstein	McConnell	Wyden

NAYS—12

Ayotte	Johnson (WI)	Sessions
Cornyn	Lee	Toomey
DeMint	Paul	Vitter
Ensign	Rubio	Wicker

NOT VOTING—4

Chambliss	Harkin
Crapo	Risch

The PRESIDING OFFICER. On this vote, the yeas are 84, the nays are 12.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

The Senator from Missouri is recognized.

TRIBUTE TO MIKE MURPHY

Mrs. MCCASKILL. Mr. President, last week Kansas City lost a treasure. A very special person to the Kansas City community passed away last week. This is a man, Mike Murphy, who was loved by just about everybody in the area. While his family and friends are gathered now in Kansas City for his memorial service—I am sure there are hundreds who are there—I would like to place these words in the CONGRESSIONAL RECORD in his memory. Obviously, my prayers go out to his family.

Mike Murphy has been part of the fabric of Kansas City for almost 50 years. For over 40 years, he was the most dominant local radio personality in all of the Midwest. He was popular. In fact, he became radio lore. At times over his career, over 50 percent of people listening to the radio in Kansas City were listening to his program.

He began his career in radio in 1968. He went on to rise to a class by himself in local and regional radio and, in fact, was the winner of the prestigious Marconi award in 1998.

Thousands of truckers and salesmen throughout the Midwest heard him on the mighty KCMO and became his fans and his friends. His program was an essential part of their day. Why? What was there about this guy? He really did not have a political agenda. Unlike today, he was not busy trying to get people all upset about the issues of the day. He did not take sides on political issues. He rarely had big stars as guests, but from time to time they came through wanting to promote something. Because his show was such a dominant show in the area, they wanted to get on it. He was just a funny, irreverent guy who always made you feel as if you knew him when you listened to his program. He talked like a real person. He did not try to show off his intellect. He was smart as a whip, but he never felt the need to impress anybody—I mean anybody. He just wanted to be your pal. He was fun and funny.

He is most famous in Kansas City for starting the second largest St. Patrick's Day parade in the country. How did he start it? In 1973, he was having a drink at a bar that a buddy of his owned. He and a very prominent PR guy who worked in campaigns around Kansas City, Pat O'Neill, Sr., and maybe one or two of their other friends, called Larry Moore, a local news reporter, and said: We are going to start a parade. They went out of Hogarty's bar, marched a few blocks, and they got a little film on TV that night, and the Kansas City St. Patrick's Day parade was born.

Years later, and thousands of floats and hundreds of thousands of spectators, every year in the St. Patrick's Day parade, where was Mike Murphy? On a garbage truck. He always rode on a garbage truck. It was his way of signaling to the people of Kansas City: I am no big deal. I don't need a fancy car. I am happy up here on the garbage truck.

He was getting upset about Kansas City's heritage at one point, so in 1996 he decided: We need to have a cattle drive again through Kansas City—harkening back to the days of a frontier town, and the stockyards were an important part of Kansas City's legacy. What did he do? He started a cattle drive through downtown Kansas City. He would get some amateur cowboys and then invite a lot of his pals to get on horses and take these cattle down the main street of Kansas City.

He loved characters. He thought being called ''a little goofy'' was the highest compliment you could pay him.

He loved to talk about UFOs and aliens. His show was a vacation from serious. His humor was never at the expense of someone else.

I was so fortunate to be one of the many who became part of his large group of regulars. It all began with a phone call to his show when I was driving back from Jefferson City to Kansas City as a young State legislator. This was over 20 years ago. He was saying stuff on the radio—of course, I was listening to Mike Murphy as I drove because everybody listened to Mike Murphy. He was saying something on the radio that was not correct. This is before cell phones. I pulled my car off the highway. I remember to this day exactly where it was. I got on a pay phone, and I called his show because he was saying something that was not correct. I was scared to death. He took my call. I was scared. He was funny. And we became friends. Like hundreds of other people just like me, we became friends.

In fact, we became such close friends that he taunted me until I agreed to be part of the cattle drive. One year, there I was on the top of a horse riding through downtown Kansas City behind a bunch of cattle. That might have been the last year of the cattle drive because I think that was the year some of them escaped into a parking garage in downtown Kansas City, and the Kansas City police were called to see if we couldn't get them off the top of a multistory garage in downtown Kansas City.

I was blessed to be in a bleacher seat to watch his heart at work—from his annual Salvation Army show to small acts of kindness to mere acquaintances, to his incredible loyalty to his friends.

His heart was as enormous as his patience for BS was small. He also had no patience for pompous. Some of his famous shows were shows where someone came on his show who would be considered a big deal, a star. If that person began being arrogant on Mike Murphy's show, if that person started talking down to Mike Murphy's friends—his listeners—Mike would let him know in no uncertain terms that the interview was over, that he was not interested in allowing anyone to talk down to his pals—his listening audience.

I will never, ever forget the twinkle in Mike Murphy's eye. It is important that he remain one of Kansas City's brightest legends of all time.

My hope for Mike Murphy's memory—I am not surprised that Mike chose the first 17 days of March to meet his Maker because of the fun he had around St. Patrick's Day. My hope is that every St. Patrick's Day in Kansas City, people will raise a glass to Mike Murphy, and when they do, they will tell a funny story. It would be great if that story would be about Mike Murphy, but the most important thing is that it is a funny story. Let me tell you, Mike will not care if it is not even true.

To Mike Murphy, the kind of man who walks as a giant among us and we do not even realize it until he is gone, a man who never lost sight that the little salesman out there driving in his car and the mother at home doing her family's laundry were the most important people on the Earth—here's to you, Mike. Godspeed, my pal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

CLEAN AIR ACT

Mr. BENNET. Mr. President, I rise today to speak about the importance of a landmark piece of legislation, the Clean Air Act. Congress passed the Clean Air Act over 40 years ago with broad bipartisan support from both Chambers of Congress, and President Nixon wisely signed it into law. Since then, we have seen remarkable benefits to the health of our Nation. We have seen significant reductions in pollution from lead, mercury, sulfur dioxide, and a host of other contaminants. America reduced pollution and made remarkable strides in improving public health even while our economy adjusted and thrived. In fact, the Clean Air Act has a long track record of promoting job creation and economic growth while reducing pollution.

The economic benefits of the Clean Air Act are significant. For every $1 spent on Clear Air Act protections, we get $30 of public health benefits in return.

In the year 2010 alone, the Clean Air Act saved 160,000 lives and avoided millions of cases of pollution-related illness, including 1.7 million cases of asthma exacerbation, 130,000 heart attacks, 86,000 emergency room visits, 3.2 million lost school days, and 13 million lost work days.

This is a profoundly important law. It protects every single American from the types of pollution that can cause asthma attacks, lost school days for young children, emergency room visits, heart attacks, strokes, and even premature deaths.

The House of Representatives recently passed a continuing resolution for the remainder of the fiscal year that would make truly Draconian cuts to Clean Air Act funding and authority. These policy riders do not belong in the 7-month budget. And I am glad the Senate recently voted down that legislation.

Upon passage of the House bill, the American Lung Association, which is the leading organization working to save American lives from the ravages of lung disease, said:

> The House of Representatives also adopted amendments that would block implementation of the Clean Air Act and its lifesaving protections . . .
>
> These provisions and others adopted by the House would result in millions of Americans—including children, seniors and people with chronic disease such as asthma—being forced to breathe air that is unhealthy.
>
> Breathing air pollution can cause asthma attacks, heart attacks, strokes, cancer and shortened lives.

That is coming from one of the most respected public health organizations in the world telling us that this weakening of the Clean Air Act would have dire public health consequences, that more Americans will get sick from toxic pollution.

We can and should be flexible and listen to the industries affected by the law, but we cannot undermine its purpose. Legitimate concerns about regulation should be addressed so we can prosper and grow jobs in the United States of America. It is important that the Clean Air Act be enforced in a commonsense manner that is workable for American businesses, but we cannot abandon its core charges—to preserve public health and ensure the cleanliness of the air we breathe.

I know there is often tension between the EPA, the regulated community, and stakeholders seeking to navigate the Clean Air Act, and there probably always will be. Our economy functions best and in a way that is best for our citizens when we seek a robust Clean Air Act and are responsive to the needs of our economy.

An example of this working well is recent praise that the administration received from the CEO of a leading energy company, who said:

> When I look at what EPA has done so far . . . it's actually been pretty moderate.

When the same CEO was asked whether Congress should delay the administrations's work to protect public health for 2 years, he said:

> That's just two more years of uncertainty where I think a lot of the investment will remain on the sideline in our industry instead of being invested in technology. We know how to build . . . I don't support delay for those reasons.

I support continued implementation of the Clean Air Act and will oppose efforts to undermine this important law. For my part, the decision is very simple: We should let doctors and scientists dictate our public health policy instead of politicians. I hope my friends on both sides of the aisle will come to this same conclusion as well and vote against efforts to weaken the Clean Air Act.

For more than 40 years, we have seen that protecting the air we breathe does not have to come at a cost to the Nation's economy. Both can improve, both must improve hand in hand.

To close, I would like to reiterate that the Clean Air Act has been successful in reducing levels of dozens of dangerous air pollutants and protecting the health of millions of Americans, all while our economy grew. This is a landmark law that has had strong bipartisan support for decades. The Senate should not weaken it.

Mr. President, I yield the floor, and 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. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PUBLIC-FUNDED RADIO AND TELEVISION

Mr. DURBIN. Mr. President, I have been around Congress a few years. When I served in the House of Representatives 16 years ago, the Republicans won control of Congress for the first time in 40 years. They promised to change how business was done in Washington and they elected Newt Gingrich of Georgia as Speaker of the House. On his first day on the job, Speaker Gingrich addressed a black tie dinner of happy supporters and took aim at an enemy he said was undermining America's values, and that enemy was Big Bird.

Newt Gingrich denounced public broadcasting as a sandbox for the rich and he condemned it for ''eating taxpayers' money.'' He went on to say: ''They are simply enclaves of the left using your money to propagandize your children against your values.''

Once the Gingrich Republican revolutionaries finished passing their so-called Contract With America, Gingrich vowed he would do everything in his power to do away with the Corporation for Public Broadcasting, National Public Radio, and the Public Broadcasting Stations. Fortunately, in the Republican and Democratic parties, cooler heads prevailed. Big Bird was spared.

Well, to borrow a line from former President Reagan, ''Here we go again.'' When we should be talking about the serious budget deficit affecting America, the House Republican budget spent too much time resurrecting the old bumper stickers of the past. They went to America's bumper sticker museum and said: Well, let's see if there are some oldies but goodies here, and they loaded up the Republican budget bill with a lot of old issues. Some of them finally went back to the day when Newt Gingrich went after Big Bird. Sixteen years after Newt Gingrich, this new band of Republicans in the House is once again denouncing public broadcasting as a hotbed of subversive values, and they have vowed to pull the plug.

You may remember, Mr. President, our friends across the aisle actually tried to end funding for the Corporation for Public Broadcasting last November during the lameduck session. At that time, the rallying cry was outrage over NPR's firing of commentator Juan Williams. Now there is a new defunding effort underway and a new source of outrage. James O'Keefe, a rightwing activist with a video camera and a conservative agenda, released a video last week which he claims proves National Public Radio is a biased liberal organization that needs no Federal funding.

In the video, two allies of Mr. O'Keefe's pretend to be members of a Muslim education group who are considering making a large donation, they said, to NPR. Then they secretly recorded their meeting with two NPR executives.

If the name James O'Keefe rings a bell with Members of the Senate, it should. Remember some of the other things he was caught doing? It was James O'Keefe and his colleagues who posed as telephone repairmen and tried to lie their way into the office of our colleague, Senator MARY LANDRIEU of Louisiana. They were going to try to make one of their ''gotcha'' videos there. They went too far. At the end of it, Mr. O'Keefe pleaded guilty to a misdemeanor of entering Federal property under false pretenses. A Federal judge sentenced Mr. O'Keefe to 3 years probation, a fine of $1,500, and 100 hours of community service.

This same Mr. O'Keefe, in 2009, posed with some of his friends as a pimp and prostitute to secretly film a discussion with staffers of the grassroots antipoverty group ACORN. Their video of that meeting was so inflammatory Congress vowed to eliminate all Federal funding for that group.

I cannot tell you, Mr. President, how many amendments we had on the floor of the Senate—in the midst of all the problems we were facing in the country and around the world—focused on ACORN. Three separate investigations, incidentally, later cleared ACORN of any wrongdoing. A report by the Congressional Research Service found Mr. O'Keefe's undercover videotaping may have broken laws both in Louisiana and Maryland.

Mr. O'Keefe, obviously, is not too concerned about breaking a law if he thinks he is going to come up with a sensational video. He was convicted in Louisiana, as I mentioned earlier.

The New York Daily News—not exactly a liberal news organization—concluded, when it came to the ACORN incident, ''they edited the tape to meet their agenda.'' As California's then-Attorney General Jerry Brown said, after they investigated the ACORN video:

> Things are not always as partisan zealots portray them through highly selective editing of reality. Sometimes a fuller truth is found on the cutting room floor.

Mr. O'Keefe appears to be engaged in creative editing again, and this time his target is National Public Radio. That is not just my opinion. The Web site of none other than FOX News' own Glenn Beck—that is right, Glenn Beck—compares the edited and unedited versions of Mr. O'Keefe's latest video and concludes that the edited version appears to be deceptively edited in order to portray statements by one of the secretly recorded NPR executives out of context. An example: On the video, Ron Schiller, who was then in charge of fundraising for NPR, and has since been terminated, is heard to say:

> It is very clear that we would be better off in the long run without Federal funding.

I have heard that repeated over and over; that this NPR fundraising executive said ''we would be better off if we didn't have Federal funding.'' The far right has seized on this statement as proof NPR doesn't need it and shouldn't get it. But here is the part that ended up on the cutting room floor. Schiller explained, when they looked at the full transcript, that most ''philanthropists'' think NPR is almost fully funded by the government, which prevents many of them from donating. Mr. Schiller also said that if NPR lost all Federal funding now, ''we would have a lot of stations go dark.''

The Corporation for Public Broadcasting supports nearly 1,300 local radio and TV stations in communities all across America—in Illinois and I bet in West Virginia. Direct support for those stations makes up nearly 75 cents out of every dollar they spend. I know, because when you turn them on to listen to the news, they are begging for money. You send them a check and you think, I hope they will leave us alone for a little while.

Mr. President, 170 million Americans use public broadcasting services every month. That is more than half the population of America. In my State of Illinois, 1 million people listen to our 14 public radio stations, and 3 million people rely on our 8 public television stations. All totaled, funding for public broadcasting works out to about $1.35 per American per year—11 cents a month. I would say that is a bargain. It is a fraction of what people would pay to get good information.

Eliminating Federal funding for the Corporation for Public Broadcasting is going to force many smaller stations to close, if the House Republicans have their way. The first ones hit—West Virginia, the rural areas of Illinois, and smalltown America. They will be the ones to lose the service first. Rural communities will be hard hit, as they rely more than big stations in big cities on Federal funding.

Cutting all funding for public broadcasting? Does anybody seriously believe that will affect the deficit? But it would be a great loss to tens of millions of Americans who rely on public broadcasting for quality entertainment and honest, in-depth news coverage. With the momentous changes occurring in the world, and the major challenges facing our Nation, it is essential we maintain the integrity and viability of public broadcasting. There is nothing in commercial broadcasting that can replace it.

Some of our conservative friends—and one of them came up to me on the plane when I was heading home to Chicago last weekend—say they don't object so much to the content of public broadcasting, they just object philosophically to the whole idea of taxpayers' money being spent to subsidize radio and TV. They said let them go on the free market. If they can survive, fine; if they cannot, so be it. Here is what they ignore: FOX, NBC, ABC, CBS, CNN, virtually all the major network stations receive billions of dollars each year in public subsidies. How?

In the form of free use of the public TV spectrum. These stations do not own the airwaves. The American people own the airwaves, and we give them licenses to use our airwaves, America's airwaves, to make their profits.

The New America Foundation estimated the total value of the TV spectrum used by commercial TV stations at nearly $5.5 billion a year, and that doesn't count the additional tens of millions of dollars that commercial TV stations make selling political ads every campaign season. Sound familiar? We have all been there, writing checks to these commercial TV stations to put on our ads so we can run for office and preserve the right of that TV station to use the public airwaves—free. The public subsidies to commercial stations dwarf what we spend on public broadcasting.

I admire the reporting on NPR, but I am a progressive Democrat. Many conservatives admire their reporting. David Brooks is a conservative I respect. He writes for the New York Times and I look forward to his column. Even when I disagree with him, I know it is a thoughtful analysis of the challenges we face. Listen to what he said:

> I think NPR has done a good job over the last 10 years of reducing that bias. I thought it was really biased 10 years ago, but now I think it's pretty straight, and the Federal money for NPR doesn't go so much for the big stations. It goes out to the rural parts of the country which wouldn't have those stations otherwise.

David Brooks, you are right. If the Republicans have their way in the House, the losers will be a lot of red States in red parts of America that want to hear both sides of the story, as I believe all Americans should.

Tony Blankley was a longtime aide to Newt Gingrich who works now for FOX News and NPR. He said:

> I've been on NPR regularly for a very long time. . . . From a personal perspective they have always given me plenty of access, I am clearly a right-wing commentator so I cannot complain. There's a conservative on and there's a liberal on, so that's all fair.

He added:

> No editor or host has ever suggested, ''Could you not be quite so conservative on this show?'' I have been open and free to express my opinion.

Michael Medved is a conservative radio host. This is his take on NPR:

> I think NPR tries harder to be fair than just about any other media source. . . . I listen almost every day to Morning Edition and All Things Considered. I think that they do as good a job as anybody in media in reporting the news.

The conservative blogger said of NPR:

> My own interaction with them has been fine. I have found them to be fair. I think their coverage is often quite good. I think NPR does a good job.

As proof of NPR's political bias, some critics of public broadcasting point to what appear in the video to be critical comments Ron Schiller made about the Tea Party.

This is another incident of deceptive editing. The full transcript shows that Mr. Schiller was recounting the views expressed to him by two top Republicans, including a former ambassador.

Let me say very clearly: Even repeating those comments was ill-advised on Mr. Schiller's part. He no longer works for NPR.

And his comments have been roundly condemned by journalists who have given years of good work to NPR. In an open letter released last week to NPR listeners and supporters, the journalists said Mr. Schiller's comments:

> . . . violated the basic principles by which we live and work: accuracy and open-mindedness, fairness and respect.

But the suggestion that NPR cannot be relied on to cover the Tea Party or conservative organizations fairly is refuted by Tea Party members themselves.

Katrina Pierson is a Tea Party activist in Houston. She told the media watchdog group Media Matters:

> I think NPR was very cordial to our group. They actually came to Texas and Spent a few days with us visiting our homes, and our work places. They attended meetings and asked questions. I enjoyed having them here. I think the reporting that they ended up using for All Things Considered, it was fair.

At a time in America when we value our government, when we applaud freedom, when we preach it to the world, when we beg authoritarian regimes to give their people a chance to hear both sides of the story, when we say that our Bill of Rights, when it comes to free speech and free press, should be a guidepost for the world, can we be in the business of shutting down this opportunity for Americans every single day to hear both sides of the story when it comes to the big issues? I don't think what was done in the House is about money. I think it is about a political philosophy. Many of them think they just want to shut down NPR because they are offended by some things that are said.

Let me say from my side of the spectrum, I have been offended the other way. I thought they went too far the other way. But isn't that what it is all about? They give you both sides, make up your own mind, and that is the way it should be.

We have seen what could happen when people rush to judgment after seeing selectively edited and sometimes deceptively edited videos. Shirley Sherrod was fired from her job at the Agriculture Department and painted unfairly as a bigot when she was, in fact, making a passionate plea for racial tolerance. Her comments were knowingly distorted in a video produced by a man who has, in the past, supported Mr. O'Keefe.

Congress voted to cut off Federal funding for ACORN before there was any objective investigation into Mr. O'Keefe's damaging video about them. Later investigation showed there was no criminal wrongdoing.

Let's not make the same mistake again. Let's not be duped by deceptively edited videos at a time when Americans need the objective reporting and informative programming that public radio and public television provide.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

EXPORT POLICY

Mr. BROWN of Ohio. Earlier today in Columbus, OH, the State capital of my great State, I was at the Ohio State University's Fisher College of Business. We talked by phone with Under Secretary of Commerce Francisco Sanchez, who is one of the leaders at the Department of Commerce, on how to grow exports in this country.

The President has charged the Congress, our businesses, encouraged all of us to find ways to double exports as a major path to economic growth, especially to grow manufacturing in our country. We know that for the last several months, we have seen manufacturing growth, albeit too small, but manufacturing growth in this country.

That is especially important in Ohio. My State is the third leading manufacturing State in the country, behind only California and Texas, States which are two and three times our size in population. Yet Ohio has kept pace with doing relatively well in manufacturing. But we know what has happened to manufacturing in our country in the last 30 years.

Only 30 years ago, manufacturing was more than one-quarter of our GDP, financial services was about 10 or 11 percent of GDP. In these 30 years that position has almost flipped. Financial services is over one-quarter of our GDP, manufacturing is only 10, 11, or 12 percent. That is why the President and his push on exporting is so important, not that we only export manufacturing goods, of course, we export services, as we should. But clearly manufacturing is a major component of that.

I sit on the President's Export Advisory Council with leaders of the administration and the CEOs of some of America's largest companies and many successful mid-sized and small companies in this country. We had a meeting last Friday with Secretary Locke, Under Secretary Sanchez, Secretary of State Clinton, Jim McNerney of Boeing, Ursula Burns of Xerox, Alan Mullaly of Ford, as part of the President's export council.

In Ohio, as a result, I have put together an export advisory council. We met today in Columbus. That is what our meeting was about, to talk about ideas. We heard from Albert Green of Kent Displays, William Dawson of NexTech Materials, Philip Irwin of Ametek Solidstate Controls, Randall Willaman of Command Ilkon, Inc., Mark Friedman of National Biological Corporation, Arlinda Vaughan from Volk Optical, and Ken Hagen from Fosbel.

All of them raised concerns directly to the Under Secretary of Commerce and directly to me, concerns about corruption in Russia, concerns about tariffs in Brazil, concerns we all face and all of our companies face in breaking into the Chinese market, and many other concerns about everything from medical devices to export of services and all of that. So the meeting was important.

I will mention one other. Susan Helper, the head of the Economics Department at Case Western, had particularly good thoughts about how we grow manufacturing in this country. We know those jobs are created by medium and small businesses. We also know that fewer than 1 percent of American companies actually export. Even as close as we are to Canada or to Mexico, only 1 percent of our businesses export. So we know we have to do much more.

In Germany, for instance, 20 percent of their workforce is in manufacturing. They have a trade surplus with the rest of the world, while we have a huge almost insidious trade deficit. Germany has done some pretty interesting things in encouraging manufacturing.

As many people point out, we have not had in our country a manufacturing policy. I spoke with Pat Russo tonight, who is the former CEO of Lucent Technologies and a couple of—she sits on the General Motors board and a couple of other people from the GM board I spoke to, and talked about the fact that we do not have a manufacturing policy in this country. That is why we are seeing other countries begin to do much better in manufacturing, while we have, by and large, drifted in our policies and our strategies on manufacturing.

There are several things that came out of this meeting that we need to do. We need to pay particular attention on economic development assistance and creating economic development partnerships and business incubators.

We need to pay special attention to help those companies get access to capital. That has been a vital roadblock—as the Presiding Officer from Oregon has been involved—a roadblock to our full economic recovery. We need to look at our R&D tax credits.

Part of a national manufacturing policy should be increases in R&D tax credits, including making 48(C) a part of the Code that encourages conservation, encourages more efficiencies in energy production and in energy use, making 48(C) permanent.

It means workforce training—our Sectors Act, which matches up what local businesses and labor unions and community colleges and workforce investment boards do to retrain workers so they find jobs after that training. That is why we are doing at end of the month our fourth annual Ohio College Presidents Conference, where I invite in some 55, 60 college presidents. We have done it for the last 3 years, since my second year in the Senate, to talk about these issues: How do we encourage people to become engineers? How do we help with access to college, particularly in light of the fact that Republicans are trying to cut Pell grants several hundred dollars per student, sometimes a couple of thousand, $3,000 a family, whatever.

How do we fight back and make sure that students have access to education and to our higher education system, those who choose to go to college? We have a lot of work to do. All of this includes, as I said at the White House the other day in the meeting of the President's Export Council, while we work on exports, we need to fix our trade agreements, we need to fix our tax policy, we need to make sure those workers who lose their jobs because of trade—and this is so often forgotten about by my Republican colleagues—workers who lose their jobs because of trade have to be compensated. They need to be retrained. They need to keep their health care. That is why the Presiding Officer and I and many others have to fight for the extension—Senator CASEY especially from Pennsylvania—of trade adjustment assistance and the health coverage tax credit, two long-time Federal programs. The TAA, Trade Adjustment Assistance, was started bipartisanly under President Kennedy in 1962.

Those are so important for workers who have lost jobs through no doing of their own but because of trade agreements passed wrongfully, wrongheadedly in this body and in the House. Because of trade agreements they have lost their jobs. We need those workers to have the opportunity to be retrained and to continue to keep their health insurance after they have been laid off through no fault of their own.

Our efforts to double exports is extraordinarily important for economic growth. At the same time it is important that we are sensitive to those workers who have lost their jobs because of trade policy. We can do this right. We can enforce our trade laws more aggressively as President Obama has begun to do. We can work on trade agreements. We can fix trade policy so it actually helps American workers and American consumers. Instead of practicing trade policy adopted out of a textbook that is 20 years out of print, we ought to be adopting a trade policy that is in our Nation's national interest. As we move with President Obama and this Congress toward a manufacturing strategy and, even better, a manufacturing policy such as most of the rest of the industrialized world has, we will all be in a better position to build a middle class in Oregon and Ohio and across the country.

I yield the floor.

CFTC HEDGING AUTHORITY

Mr. NELSON of Florida. Mr. President, you hear a lot of talk about the trouble in the Middle East, and people are saying that oil prices are going up and, therefore, the pain at the gas pump is being felt because there is this shakiness in the oil markets. You hear the commentary: Well, we ought to be solving this problem by drilling more in the United States. In essence what people are talking about is they want to drill more in the Gulf of Mexico. Of course, there is plenty of opportunity to drill in the Gulf of Mexico. There are 30 million acres that are already under lease that have not been drilled. There are 7 million acres that are being drilled under lease, but there are an additional 30 million acres in the Gulf of Mexico under lease, so there is plenty of opportunity. There is a lot more opportunity for domestic drilling.

But what I want to talk about today is, it is this simplified message that if we drill more domestically—which we clearly have the capacity to—that is going to solve the problem. That is not the problem, and that is not the reason for why the gas prices are going up as they are.

I will grant you that whenever there is an oil-producing region of the world where there is a disruption, then that does have some effect on the price of oil. But what we have seen is an extraordinary spike in the last couple of months in the price of oil. I want to try to point out to the Senate why this Senator thinks, and a number of my colleagues join me, that spike in gas prices is going up.

There is further evidence that our energy markets are no longer governed just by the economic dictums of supply and demand when it comes to oil prices. That is what I want to talk about. It is simply this: The speculators are back. We saw the speculators in oil futures contracts. We saw their handiwork 2 years ago when the price of oil hit an all-time high of $147 a barrel. This time the speculators are seizing on the turmoil in the Middle East and North Africa to use that as an excuse to drive this price of oil sky high. Yet recent upheavals abroad have had little, if any, effect on the actual supply of oil.

Again, coming back to the economic theories of supply and demand, Libya, for example, controls only 2 percent of the world's oil supply. Well, there is a key piece of evidence that points the finger at these ''condo flippers'' in the commodities market. Data from the Commodity Futures Trading Commission, the CFTC, reveals that since January, when the protests began in Egypt, speculators have increased their

betting on future oil price increases by more than 38 percent.

Meanwhile, legitimate hedgers for oil futures contracts, legitimate hedgers such as airlines and shipping companies and oil companies have actually reduced their holdings in oil futures contracts.

All you need to do to see what is happening is as represented on this chart. You see closely how the rise of oil prices, the red line, tracks the increases in speculative activity, the white line. A long position in a futures contract means you are betting that the price of oil will go up and, therefore, you buy a contract to buy oil at a determined amount in the future. That is what this chart is about.

As you go over here, on January 25 of this year, the day the protests began in Egypt, the speculative money was on long held positions in just over 217,000 West Texas Intermediate crude oil futures contracts. West Texas Intermediate crude is the standard by which they judge. When the protests began in Egypt, they were down at 217,000 futures contracts. That is the equivalent of about 217 million barrels of oil. On March 8, the last day for which we have the data, these same speculators held the equivalent of more than 301 million barrels of crude, which was an increase of 38 percent, from 217,000 to 301 million.

Look how closely the price of oil tracks those swings. This is the speculative buying or betting in futures contracts, the white line. Look how closely the price of oil follows the red line.

During the same period, from January 25 to March 8, the price of oil climbed from $85 a barrel all the way up to $105 a barrel. That is an increase of nearly 24 percent. Guess who is the loser in this game of profit gouging. It is the American consumer. Our gasoline prices mean less money for anything the American consumer has to buy. And, at the end of the day, guess who else is the big loser. It is the American economy.

These speculative bubbles in oil prices are becoming more and more common. We saw it in the summer of 2008 when oil spiked up to an unbelievable $147 per barrel, only to plummet almost 80 percent a few months later. You cannot say that going from $147 a barrel all of a sudden down to $30 a barrel back in 2008 had anything to do with supply and demand. There had to be another influencing factor.

Because of this, last year when we passed the Dodd-Frank Wall Street Reform and Consumer Protection Act, Congress empowered the CFTC to rein in excessive speculation to keep the commodities markets from flying off the rails. Just look. It is in the last 2 months. Yet, the Commission, the CFTC, has yet to finalize new rules to govern the speculative position limits.

Meantime, what happens is speculators continue to buy $100 worth of oil futures with $6 down, 6 percent down to buy oil contracts for futures. I believe the law we passed last year has given the CFTC an extremely effective tool at its disposal that it could use to discourage excessive energy speculation and bring down gas prices our American consumers are now finding hurting their pocketbooks so much. That authority is the authority to impose higher margin requirements on oil futures contracts. So instead of $6, they could require that there be more than 6 percent they would have to pay down on buying a futures oil contract.

In the current system some ordinary investors have to put down as much as 50 percent in order to buy things, while financial speculators have to post only 6 percent to buy a futures contract in oil. That does not seem to me to be fair and is leading to this kind of system which is now causing pain at the pump.

These kinds of margin requirements are not set by Federal regulators but, rather, by the exchanges themselves. For the same reason we do not let pharmaceutical companies approve of their own drugs, we should not let futures exchanges self-regulate by setting their own margin requirements. Fortunately, in a section of the Dodd-Frank bill, section 736, Congress removed the broad statutory restriction that prohibited the CFTC from setting those margin requirements. That section authorizes the CFTC to call for higher margin requirements in order to protect the financial integrity so this kind of event does not happen.

I am calling on the CFTC now to exercise the authority the Congress, signed into law by the President, gave them last July. I am asking them to get going.

There is a letter that has been circulated here among the Senators encouraging the CFTC to use the Commission's power to increase margin requirements on these oil speculators. I want to urge my colleagues who are listening to join in this letter as it is circulated among your offices. Under the Dodd-Frank Act, these new margin requirements would take effect as soon as July. But the CFTC must begin the rulemaking process now, because if we do not, and get into the summer driving season, you know what is going to happen here. This is March. It is going to keep going up and up.

I want to be clear, that where those who have a legitimate reason, such as airlines, shipping companies, oil companies, to buy future contracts, that margin level would not apply. It will only apply to the speculators. Imposing a higher margin level on speculators is consistent with existing exchange practices. For example, the New York Mercantile Exchange, the major trading platform on oil futures, imposes different margin rates on speculators as compared to bona fide hedgers. Anybody who has been at the gas pump recently knows this is a real issue, and they are asking us to do something about it.

Then we hear in return it is supply and demand. I am trying to prick that balloon, bust that bubble. Congress and the administration need to be out front doing everything we can to ensure that the price of oil reflects the real supply and demand, not the irrational speculative fervor. With the right policies, we can discourage the damage excessive speculation is doing.

I ask two things of my colleagues. I ask that they all take a look at the letter being circulated to Commissioner Gensler, Chairman of the CFTC. Don't fall for the notion that more drilling is going to put an end to the spiral. I am all for drilling in all those acres out there that are already leased. I am all for it, if it is done safely. But guess what we are hearing. We are starting to hear: Drill, baby, drill.

Facts are stubborn. Even if there was expanded drilling in the United States, it is not going to affect the price of gas in the short term or even over the next half a dozen years. That is largely because the United States holds 2 to 3 percent of the world's supply, which is not enough to affect prices globally. Further, the oil and gas companies have 30 million acres that are leased but not drilled offshore and another 30 million acres onshore and they are not even drilling yet. Simply put, attempts to link the recent increases in the price of oil to the need for increased drilling are off the mark. Frankly, we haven't changed the way we do business with oil companies. Unfortunately, it has been a little less than 1 year since the Deepwater Horizon oil rig exploded. We know what damage that did to the fisheries, the tourism, the economy of the entire gulf region. A lot of oil is still there. American citizens continue to fight to get their lost claims paid. We are not going to know for years to come what the long-term impacts will be, but certainly the economic damage is rising and rising.

Even worse, if another spill happened today, the responsible party would still have only a liability cap of $75 million. We have to address that.

In the meantime, we have to confront high gas prices. We need a multi-pronged approach that includes getting the CFTC to do its job.

CLUSTER MUNITIONS CIVILIAN PROTECTION ACT

Mr. LEAHY. Mr. President, on March 10, my friend from California, Senator FEINSTEIN, and I introduced S. 558, the Cluster Munitions Civilian Protection Act of 2011. It is identical to the bill she and I introduced last year and similar to those in prior years.

Cluster munitions, like any weapon, have some military utility. But anyone who has seen the indiscriminate devastation cluster munitions cause over a wide area understands the unacceptable threat they pose to civilians. These are not the laser-guided weapons the Pentagon showed destroying their targets during the invasion of Baghdad.

There is the horrific problem of cluster munitions that fail to explode as

designed and remain as active duds, like landmines, until they are triggered by whoever comes into contact with them. Often it is an unsuspecting child or a farmer. In Laos today, people are still being killed and maimed by millions of U.S. cluster munitions left from the Vietnam war. That legacy, resulting from years of secret bombing of a peaceful, agrarian people who posed no threat to the United States, contaminated more than a third of Laos' agricultural land and cost countless innocent lives. It is shameful that we have contributed less money in the past 35 years to clean up these deadly remnants of war than we spent in a few days of bombing.

Current law prohibits U.S. sales, exports, and transfers of cluster munitions that have a failure rate exceeding 1 percent. The law also requires any sale, export, or transfer agreement to include a requirement that the cluster munitions will be used only against military targets.

The Pentagon continues to insist that the United States should retain the ability to use millions of cluster munitions in its arsenal which have estimated failure rates of 5 to 20 percent. It has pledged to meet the 1 percent failure rate for U.S. use of cluster munitions in 2018. But, like Senator FEINSTEIN, I do not believe we can justify using antiquated weapons that so often fail, so often kill and injure civilians, and which many of our allies have renounced. That is not the kind of leadership the world needs and expects from the United States.

Senator FEINSTEIN's and my bill would apply the 1-percent failure rate to U.S. use of cluster munitions beginning on the date of enactment. However, the bill permits the President to waive the 1-percent requirement if he certifies that it is vital to protect the security of the United States. I urge the Pentagon to work with us by supporting this reasonable step.

Since December 3, 2008, when the Convention on Cluster Munitions opened for signature in Dublin, 108 countries have signed the treaty, including Great Britain, Germany, Canada, Norway, Australia, and other allies of the United States. However, the Bush administration did not participate in the negotiations that culminated in the treaty, and the Obama administration has not signed it.

Some have dismissed the Cluster Munitions Convention as a pointless exercise since it does not yet have the support of the United States and other major powers such as Russia, China, Pakistan, India, and Israel. These are some of the same critics of the Ottawa treaty banning antipersonnel landmines, which the United States and the other countries I named have also refused to sign. But that treaty has dramatically reduced the number of landmines produced, used, sold, and stockpiled, and the number of mine victims has fallen sharply. Any government that contemplates using landmines today does so knowing that it will be condemned by the international community. I suspect it is only a matter of time before the same is true for cluster munitions.

It is important to note that the United States today has the technological ability to produce cluster munitions that meet the requirements of our bill, as well as the treaty. What is lacking is the political will to expend the necessary resources. There is no excuse for continuing to use cluster munitions that cause unacceptable harm to civilians.

I urge the Obama Administration to review its policy on cluster munitions and put the United States on a path to join the treaty as soon as possible. In the meantime, our legislation would be an important step in the right direction.

I again commend Senator FEINSTEIN, who has shown such passion and persistence in raising this issue and seeking every opportunity to protect civilians from these indiscriminate weapons.

NATIONAL METRO SAFETY ACT

Ms. MIKULSKI. Mr. President, on Thursday I reintroduced the National Metro Safety Act with Senators CARDIN, MURRAY, WARNER and WEBB. I first introduced this bill on July 23, 2009, after the deadly crash on the Washington Metropolitan Area Transit Authority's Metro system that killed 9 people and injured more than 50.

This legislation does three things. First, it gives the U.S. Department of Transportation Secretary the authority to establish and enforce national safety standards for metro systems across America. Second, it requires the U.S. Department of Transportation to work with the National Transportation Safety Board to develop these standards. Third, it requires the U.S. Department of Transportation to implement NTSB's most wanted safety standards. These include: crashworthiness, data event recorder, emergency entry and evacuation standards for rail cars; and hour of service regulations for train operators.

On Monday June, 22, 2009, the unthinkable happened right here in our Nation's Capital. A Metro train struck another train during evening rush hour. Eight passengers were killed including one Marylander from Hyattsville and one Metro employee. Over 50 passengers were injured by the crash. It was the worst accident in Metro's history.

Approximately, 1 year later, the NTSB released its report from its investigation of the crash. This was the saddest report with grim revelations. It found that the Metro crash could have been prevented and nine lives could have been saved. The NTSB's investigation found two probable causes: a faulty track circuit and the lack of a track circuit verification test. This test would have identified the malfunctioning circuit and could have prevented the crash.

The NTSB also found attributing causes to the crash. These included a lack of a safety culture at Metro; failure to monitor the train control system and replace its oldest railcars; lack of a maintenance plan from the circuit manufacturer; Metro Board and the Tri-State Oversight Committee's ineffective safety oversight; and the Federal Transit Administration's lack of authority to provide safety oversight.

In its report, the NTSB also made 23 recommendations to prevent future fatal crashes. Among these was the recommendation to the U.S. Department of Transportation to seek the authority to provide safety oversight to transit systems and to establish and enforce national safety standards. The NTSB did its job and now it is time for Congress to do ours. We must pass this bill to give the U.S. Department of Transportation the authority it needs to establish Federal safety standards.

We have Federal safety standards for airplanes, commuter rail, and buses, but none for metro systems. Rail transit is the only transportation mode without Federal safety standards, oversight and enforcement even though it has over 14 million daily riders. This is more than U.S. airlines with 2 million domestic flights daily or passenger railroads like Amtrak and MARC each with 74,430 and 30,000 daily riders respectfully. Up until now, safety has been left up to the states. Each State has its own safety and enforcement practices. States have oversight agencies with very little staff, small budgets and varying amount of expertise. These oversight agencies also aren't always independent of the transit systems they oversee.

I know the Obama administration has its bill to establish standards and the Banking Committee has its bill. I support both of these but let me tell you why I am crazy about my bill. It requires the U.S. Department of Transportation Secretary to implement the NTSB's most wanted. These are the recommendations the NTSB has consistently called for.

Congress must do two things. First, it must meet its Federal funding obligation for Metro. We must provide $150 million for Metro in the year-long continuing resolution. I want to thank Senator MURRAY for including these vital funds in the Senate's bill. This is really $300 million for Metro with the local matching funds.

Metro needs this money to implement the NTSB's recommendations and prevent future crashes. This money is essential to Metro's reform. It is American's subway. This isn't a local pork barrel. America needs it to go to work. Metro serves not only our civilian population, but also the many people working at the Pentagon every day that need to be at their duty station and their battle station. We need Metro to be safe and operational reliable.

Second, Congress must pass this legislation. We owe it to the people that ride Metro and we owe it to the people that work at Metro. We can never forget the people that died that fateful day. I urge the Senate to pass safety legislation so no community ever has to suffer the loss that the National Capital Region did during the summer of 2009.

TRIBUTE TO VICKIE BEAVER

Mr. WYDEN. Mr. President, my state of Oregon is blessed with a tremendous number of generous and philanthropic individuals. But I would like to take a moment today to single out one of them and recognize her years of dedication to helping others.

Vickie Beaver of Lebanon, OR, has been elected president of the International Association of Rebekah Assemblies by her fellow members. The town of Lebanon and the State of Oregon have benefited greatly from Vickie's civic and philanthropic work. Now, in her position as president, she can do the same for people all across the U.S. I am honored to know of such an exemplary leader in the State I proudly serve.

This is nothing new for our State. Vickie is the fifth Oregonian to serve as national president of the Rebekahs, and the second Lebanon, OR, native.

The Rebekahs, along with their partners the Independent Order of Odd Fellows, are a 192-year-old service organization with more than 10,000 lodges spanning over 25 countries around the world. The aim of the Rebekahs and Odd Fellows is the simple but awe-inspiring goal of making the world a better place to live. It is a daunting goal that both organizations take very seriously. Members are involved in a variety of different relief projects, including the Educational Foundation which provides scholarships and loans for students aspiring to go to college, the SOS Children's Village which is an orphanage project in Cambodia and the Living Legacy project which plants trees and enhances the environment of neighborhoods. The organization's philosophy is that friendship, love and truth, can create peace and harmony in the world.

Vickie has been active in the Rebekahs for more than 30 years, continuing a family legacy of service that goes back four generations. Within Rebekahs, Vickie is known for her commitment to the community and hard work in support of the Rebekah initiatives. It is this dedication that led to her election to various leadership positions in the organization over the years, and, finally, as president. During her tenure as the guiding spirit of the Educational Foundation, she worked closely with the Lebanon School District as well as with nationally recognized organizations such as the Boys and Girls Club. Through its grants, the foundation provides deserving young men and women the opportunity to attend college, something they otherwise would not be able to do because of financial limitations. Since its creation in 1927 with the goal of educating future generations, the foundation has provided loans and grants to over 3,500 college-bound students. The Rebekahs believe that education is the foundation of a more enlightened community, and has made it their mission to offer that gift to deserving young men and women around the country.

Vickie's genuine concern for the well being of the young adults in her community certainly strengthened the Educational Foundation's outreach to the students. I am sure Vickie will bring the same dedication to her new position as president of the Rebekah Assemblies.

I would like to once again congratulate Ms. Vickie Beaver, an inspiring leader from the town of Lebanon in my State of Oregon. Vickie's work clearly embodies the Rebekah Assemblies' and Odd Fellows efforts to make the community a better place for America's youth to live, grow and prosper. I know that she will take her new role in the Rebekah Assemblies very seriously, and I have no doubt in my mind that she will do an exceptional job.

FWS FUNDING

Mr. BOOZMAN. Mr. President, like many Arkansans, I am very concerned about the administration's proposal to cut $6,288,000 from the U.S. Fish and Wildlife Service, FWS, National Fish Hatchery Operations, where the production of fish is for the purpose of mitigating the effects of Federal water development projects. Under this proposal, several National Fish Hatcheries, including the Greers Ferry and Norfork National Fish Hatcheries in Arkansas, are scheduled to lose their FWS funding. The reliability of alternative mechanisms to provide Federal funding for the operation of FWS mitigation hatcheries is currently uncertain.

I am working with the Arkansas delegation and the administration to preserve the ongoing responsibility of FWS to fund and operate the National Fish Hatcheries at Norfork and Greers Ferry Dams, and to make sure we "allow the investment in these hatcheries to continue to contribute to the economic vitality" of Arkansas communities and our country.

Accordingly, I ask unanimous consent to have the Arkansas House Resolution No. 1014 of 2011, which was adopted in its entirety on February 24, 2011, by the Arkansas House of Representatives, printed in the RECORD.

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

HOUSE RESOLUTION NO. 1014

Whereas, the United States Fish & Wildlife Service plans to cut the budgets for the trout hatcheries below Norfork and Greers Ferry dams; and

Whereas, these fish hatcheries provide the foundation for Arkansas's world-renowned trout fishery waters that produce a total economic impact of well over one hundred fifty million dollars ($150,000,000) annually but only 9 cost taxpayers approximately one million five hundred thousand dollars ($1,500,000) annually to operate. The hatcheries at Norfork and Greers Ferry dams alone generate five million five hundred thousand dollars ($5,500,000) in federal tax revenues, roughly three dollars and sixty-five cents ($3.65) for every one dollar ($1.00) invested; and

Whereas, seventy-five (75) years ago, north Arkansas's White River was arguably the best smallmouth bass stream in America. Fisherman came from all over the country to experience once-in-a-lifetime float trips down the beautiful bluff-lined river; and

Whereas, upon a series of dams being built in the White River basin in the 1940s, the federal government assured the state's citizens that mitigation efforts would be included to offset the loss of the river's incredibly productive native fishery. The key component of this commitment was the construction of Norfork National Fish Hatchery in 1955 near Norfork Dam and the establishment of world-class trout waters below both Norfork and Bull Shoals lakes; and

Whereas, a decade later, the trout hatchery at the base of Greers Ferry Dam provided the means for a similarly successful fishery to be established at the Little Red River in Greers Ferry; and

Whereas, these modest projects rank among the all-time success stories of our federal government because of the overall economic impact and return on investment they produce; and

Whereas, fish production at the Norfork hatchery employs nine hundred ninety-four (994) individuals, and the Greers Ferry hatchery employs an additional seven hundred fifty-two (752) people; and

Whereas, dozens of resorts employing hundreds of individuals have been established in these world-class fishing areas because of the increase in tourism. The town of Cotter, Arkansas, for example, bills itself as "Trout Capital USA"; and

Whereas, trout fishing in the White River basin is worth about three times the annual flood losses prevented by Beaver, Table Rock, Bull Shoals, Norfork, Greers Ferry, and Clearwater reservoirs, and these structures averted fifty-one million four hundred thousand dollars ($51,400,000) in damages in the last fiscal year; and

Whereas, the electricity generated from Bull Shoals Lake and Norfork Lake averages approximately one hundred million dollars ($100,000,000) of electricity each year, but the trout fishery is worth an additional fifty percent (50%) more than that on an annual basis; and

Whereas, investment in the Norfork and Greers Ferry Fish hatcheries has consistently demonstrated positive returns for more than half a century. The federal government's goal to reduce the federal deficit and increase economic growth would be damaged, not enhanced, if funding for trout programs is reduced or eliminated to the detriment of its promise to Arkansas and to these small towns whose livelihood depends on the fish hatcheries: Now therefore, be it

Resolved by the House of Representatives of the Eighty-Eighth General Assembly of the State of Arkansas, That the President and Congress of the United States work together to continue the immediate and future funding of the national fish hatcheries at Norfork and Greers Ferry dams and allow the investment in these hatcheries to continue to contribute to the economic vitality of these towns, the State of Arkansas, and the entire country; be it further

Resolved, That the Chief Clerk of the House of Representatives forward official copies of this resolution to the President

of the United States, to the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and to all the members of the Arkansas Congressional Delegation with the request that this resolution be officially entered in the Congressional Record.

ADDITIONAL STATEMENTS

TRIBUTE TO GENERAL GEORGE W. CASEY, JR.

• Mr. AKAKA. Mr. President, on behalf of myself and my Army Caucus co-chair, the senior Senator from Oklahoma, Mr. JIM INHOFE, I rise today to recognize one of our country's finest soldiers. GEN George W. Casey, Jr., the 36th Chief of Staff of the U.S. Army, is retiring after over 40 years of distinguished service to our Nation. General Casey has led soldiers at every level from platoon to division and all the way to chief, continuing the tradition of service begun by his father, MG George W. Casey, Sr., Commander, 1st Cavalry Division, killed in a helicopter crash on July 7, 1970, while visiting his troops during his assignment in Vietnam.

Later in 1970, General Casey earned his commission as a second lieutenant through Georgetown University's Reserve Officer Training Corps and began his service to our Nation as an infantry officer. While serving in Germany, he excelled as a platoon leader and was selected to attend Ranger School and Infantry Officer Advanced Course, Fort Benning, GA, in 1974. Over the next 12 years, General Casey was assigned to units within the 4th Infantry Division, Mechanized, Fort Carson, CO. These postings culminated in his promotion to lieutenant colonel, serving as Commander, 1st Battalion, 10th Infantry in 1985.

In 1991, then-Colonel Casey continued his career with the 1st Calvary Division, Fort Hood, TX. His success led to an Army fellowship and congressional liaison assignments in the Washington, DC area. Colonel Casey then returned to Europe as the Chief of Staff, V Corps, United States Army Europe. When forces were ordered into Bosnia in support of Operation Joint Endeavor, Colonel Casey deployed to Taszar, Hungary, as part of USAREUR Forward. Later, leading the 1st Armored Division as Assistant Division Commander for Maneuver, he oversaw the peaceful resettlement of Bosnian villages throughout the Multi-National Division-North MND(N) area of operations. He also oversaw the security of the first free elections on September 14, 1996, as mandated by the Dayton Peace Accord.

Over the next 10 years General Casey would make historic and lasting impacts as a leader at the highest levels of the Army. From 2001 until 2003, as the Director, Strategic Plans and Policy (J–5) to the Chairman of the Joint Chiefs of Staff, General Casey was a key figure in the crisis action planning to prosecute the global war on terror. In this position, General Casey was responsible for advising National, Defense, Joint and Army senior leadership about strategic issues and joint capabilities, requirements and resources. Later, his participation in Department of Defense and interagency affairs helped shape concepts that defined the future conduct of joint training and operations. The results of his efforts are visible today in the ongoing transformation of the American military into a more lethal, flexible, and responsive Joint force.

In 2003, as Director of the Joint Staff, General Casey's uncompromising support of our nation's deployed forces contributed to successful operations in Afghanistan, Iraq, the Horn of Africa, the Philippines, and elsewhere around the world. During this period of changing global conditions and evolving challenges to the security of the United States, General Casey led the Joint Staff with unparalleled professional leadership and expertise. His participation in the national security decisionmaking process directly enhanced the security and welfare of the Nation.

As the 30th Vice Chief of Staff of the Army from 2003 until 2004, General Casey employed his outstanding leadership and management skills to assist the Chief of Staff in supporting the Nation's war on terror and put the Army on course for one of the most profound transformations in their history. Recognizing the soldier as the centerpiece of the Army as well as the need to sustain the all-volunteer force that was stressed and strained by conflict, General Casey aggressively worked to care for soldiers and their families, ensuring the forces' success throughout the world. His legacy as the Vice Chief of Staff is an Army postured to meet the challenges of the 21st century as a result of his superior ability to lead in a period of war and profound transition.

As the Commanding General of Multi-National Force-Iraq from 2004 until 2007 during Operation Iraqi Freedom, General Casey's leadership of a 32-nation coalition, in coordination with its Iraqi partners, developed and implemented the actions that eliminated numerous terrorist safe havens. This began the rollback of insurgent gains throughout the country, setting the conditions for Iraq's first free national elections after 30 years of tyranny. Later, through the implementation of a vigorous counterinsurgency and counterterrorism campaign, he established a level of stability and security which allowed infrastructure reconstruction activities in Iraq to quadruple.

Following his service in Iraq, General Casey was selected to serve as the 36th Chief of Staff of the Army in 2007. He synchronized the continuous generation and deployment of combat power to meet requirements of two ongoing wars in Afghanistan and Iraq, and multiple operations around the world. A strategic leader for our Army, and our Nation, he has personally led the transformation of the Army to meet the security challenges of the 21st century and restore balance to the force to set the conditions for continued success in the second decade of this era of persistent conflict. These innovative changes enabled Army forces to execute wars in Iraq and Afghanistan, as well as successfully implement multiple humanitarian missions around the globe.

When history looks back at the decades of service by the 36th Chief of Staff of the Army, it will be clear that he embodied the highest ideals of the American military professional. Our Nation owes General Casey, his wife Sheila, and their family its sincere appreciation for his truly extraordinary dedication to duty and service to the United States throughout his distinguished career in the U.S. Army. I wish him, his wife Sheila, their two sons Sean and Ryan and their families continued success and happiness in the future.•

TRIBUTE TO SERGEANT MAJOR OF THE ARMY KENNETH O. PRESTON

• Mr. INHOFE. Mr. President, on behalf of myself and my cochair of the Army Caucus, the junior Senator from Hawaii, Mr. DANIEL AKAKA, I congratulate Sergeant Major of the Army Kenneth O. Preston for his extraordinary dedication to duty and service to the United States as the 13th Sergeant Major of the Army. Sergeant Major of the Army Preston is retiring after 36 distinguished years of service.

Sergeant Major Preston is a native of Mount Savage, MD. He entered the Army as a cavalry scout in June 1975, and has served in every enlisted leadership position, including cavalry scout, platoon sergeant, and tank commander. He served as Command Sergeant Major of the 1st Armored Division, V Corps in Germany and the Combined Joint Task Force 7 in Baghdad, Iraq, during Operation Iraqi Freedom, where he was an instrumental leader during the invasion of Iraq.

In 1975, Sergeant Major Preston was a member of the 1st Cavalry Division, as they were transforming from an Air Cavalry Division to a Heavy Division. He spent his first years in the military as a scout, excelling on every vehicle from motorcycles to dune buggies, surpassing his peers and distinguishing himself as a superior leader. Two years later, Sergeant Major Preston was promoted to sergeant and moved to the 33rd Armor Regiment, 3rd Armor Division in Germany. His commanders again recognized his superior leadership skills and selected him first as a senior gunner and then as the commander of the battalion commanders tank. Throughout his command, his tank was consistently named top tank in the battalion.

Sergeant Major Preston took the knowledge and expertise he gained in

Germany to Fort Knox where he became a master gunner instructor. He excelled once again and was handpicked for an exchange tour with the British Army as a tank instructor in Dorset, England. Sergeant Major of the Army Preston has served in every senior enlisted position in the Army, from platoon sergeant to command sergeant major. He held command sergeant major positions at 3rd Battalion, 8th Cavalry Regiment, 1st Cavalry Division; then at 3rd Brigade, 1st Cavalry Division, at 1st Armored Division, and finally at V Corps in Germany. Before becoming Sergeant Major of the Army, he was the command sergeant major for Combined Joint Task Force 7 serving in Baghdad, Iraq, during Operation Iraqi Freedom. His leadership and operational expertise were instrumental in planning and executing the attack on the forces of Saddam Hussein.

One of the most enduring contributions Sergeant Major Preston has made to our Nation was implementing the largest transformation of the Army's noncommissioned officer education system since the system was first developed. As the backbone of the Army, noncommissioned officers have specific education requirements throughout their career. The Advance and Senior Level Courses now are more in line with what our leaders need in Afghanistan and Iraq. With the roll out of Structured Self-Development, an online module system that will ensure our noncommissioned officers receive the best training, noncommissioned officers are better educated, which pays huge dividends on the battlefield. Also, with new distributed learning, the Army's first-line leaders are able to spend more time at home with their families while taking classes online.

Over the last 7 years, Sergeant Major of the Army Preston served as the Sergeant Major of the Army, the highest enlisted position attainable in the Army. He assumed this position during the first year of Operation Iraqi Freedom and proved himself a tremendous wartime leader, demonstrating unselfish devotion to our Nation and the soldiers. He worked tirelessly to restore balance to a force stretched and stressed by the demands of the longest war our Nation has ever known. His personal observations and advice helped guide Army leadership during the implementation of the most comprehensive transformation of the Army since World War II. The end result was building of the most versatile Army in the history of our Nation. Its modular units and improved capabilities enabled the Army to execute its strategy of full-spectrum operations. Sergeant Major of the Army Preston was instrumental in ensuring that this plan adhered to principles of commonsense and care for soldiers and their families. He worked with Army leadership to increase support to families by implementing the Army Family Covenant and the Army Community Covenant. These programs increased support for Army families by expanding and improving services while raising awareness about the unique challenges military families face. Sergeant Major of the Army Preston testified numerous times before Congress on behalf of the 1.1 million soldiers and millions of family members under his care. His clear and passionate testimony resulted in increased compensation, improved housing, improved health services and an overall better quality of life.

The impact of Sergeant Major of the Army Preston's efforts will be felt and seen in our Army for decades to come. His untiring devotion to duty, his love for the Army and its soldiers and families, and his professionalism has left a legacy of trained and educated soldiers. When history looks back at the Army's 13th Sergeant Major of the Army, it will be clear that his personal leadership contributed to the building of the most professional Non-Commissioned Officer Corps the world has ever known. We wish him and his wife Karen continued success and happiness in all of their future endeavors.●

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.)

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 830. An act to rescind the unobligated funding for the FHA Refinance Program and to terminate the program.

H.R. 836. An act to rescind the unobligated funding for the Emergency Mortgage Relief Program, and to terminate the program.

MEASURES REFERRED

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

H.R. 830. An act to rescind the unobligated funding for the FHA Refinance Program and to terminate the program; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 836. An act to rescind the unobligated funding for the Emergency Mortgage Relief Program and to terminate the program; to the Committee on Banking, Housing, and Urban Affairs.

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–868. 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 ''Bacillus thuringiensis eCry3.1Ab Protein in Corn; Temporary Exemption from the Requirement of a Tolerance'' (FRL No. 8866–5) received in the Office of the President of the Senate on March 9, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–869. A communication from the Secretary of the Department of Agriculture, transmitting pursuant to law, the 2010 Packers and Stockyards Program Annual Report; to the Committee on Agriculture, Nutrition, and Forestry.

EC–870. A communication from the Commissioners of the Commission on Wartime Contracting in Iraq and Afghanistan, transmitting, pursuant to law, the Commission's Interim Report to Congress; to the Committee on Armed Services.

EC–871. A communication from the Director, Pentagon Renovation and Construction Program Office, Department of Defense, transmitting, pursuant to law, the Office's Annual Report for the year ending March 1, 2011; to the Committee on Armed Services.

EC–872. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Human Reliability Program: Identification of Reviewing Official'' (RIN1992–AZ00) received in the office of the President of Senate on March 11, 2011; to the Committee on Energy and Natural Resources.

EC–873. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Certification, Compliance, and Enforcement for Consumer Products and Commercial and Industrial Equipment'' (RIN1904–AC23) received in the Office of the President of the Senate on March 11, 2011; to the Committee on Energy and Natural Resources.

EC–874. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program for Consumer Products: Test Procedure for Microwave Ovens'' (RIN1904–AB78) received in the Office of the President of the Senate on March 11, 2011; to the Committee on Energy and Natural Resources.

EC–875. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Virginia; Revisions to the Open Burning Regulations'' (FRL No. 9278–7) received in the Office of the President of the Senate on March 9, 2011; to the Committee on Environment and Public Works.

EC–876. 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 of One-Year Extension for Attaining the 1997 8-Hour Ozone Standard in the Baltimore Moderate Nonattainment Area'' (FRL No. 9278–8) received in the Office of the President of the Senate on March 9, 2011; to the Committee on Environment and Public Works.

EC–877. 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 ''National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources'' (FRL No. 9279–8) received in the Office of the President of the Senate on March 9, 2011; to the Committee on Environment and Public Works.

EC–878. 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 ''National Priorities List, Final Rule No. 51'' (FRL No. 9277–8) received in the Office of the President of the Senate on March 9, 2011; to the Committee on Environment and Public Works.

EC–879. A communication from the Deputy Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Protecting the Public and Our Employees in Our Hearing Process'' (RIN0960–AH29) received in the Office of the President of the Senate on March 11, 2011; to the Committee on Finance.

EC–880. 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 technical assistance agreement for the export of defense articles, to include technical data, and defense services to support the design, manufacture and delivery of the SATMEX 8 Commercial Communication Satellite to Mexico in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–881. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled ''Department of Education Acquisition Regulation'' (RIN1890–AA16) received in the Office of the President of the Senate on March 10, 2011; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEVIN, from the Committee on Armed Services:

Special Report entitled ''Report on the Activities of the Committee on Armed Services, United States Senate, 111th Congress'' (Rept. No. 112–2).

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. KERRY (for himself, Mr. LUGAR, and Mr. UDALL of Colorado):

S. 565. A bill to establish an employment—based immigrant visa for alien entrepreneurs who have received significant capital from investors to establish a business in the United States; to the Committee on the Judiciary.

By Ms. MURKOWSKI:

S. 566. A bill to provide for the establishment of the National Volcano Early Warning and Monitoring System; to the Committee on Energy and Natural Resources.

By Mr. CONRAD (for himself and Ms. COLLINS):

S. 567. A bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PRYOR (for himself, Mr. CONRAD, Mr. LEAHY, and Mr. TESTER):

S. 568. A bill to establish a pilot grant program for first responder agencies that experience an extraordinary financial burden resulting from the deployment of employees; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN (for herself, Mr. HATCH, Mr. LEAHY, Mr. GRAHAM, Mr. REID, Mr. LEE, Mr. INOUYE, Mr. BINGAMAN, Mr. LIEBERMAN, and Mr. KERRY):

S. 569. A bill to provide for fairness for the Federal judiciary; to the Committee on the Judiciary.

By Mr. TESTER (for himself, Mr. ENSIGN, Mr. BEGICH, Mr. BAUCUS, Mr. BURR, Mr. CHAMBLISS, Mr. INHOFE, Mr. PAUL, Mr. BARRASSO, and Mr. COBURN):

S. 570. A bill to prohibit the Department of Justice from tracking and cataloguing the purchases of multiple rifles and shotguns; to the Committee on the Judiciary.

By Mrs. MURRAY (for herself, Mr. FRANKEN, and Mr. BEGICH):

S. 571. A bill to amend subtitle B of title VII of the McKinney-Vento Homeless Assistance Act to provide education for homeless children and youths, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN of Ohio (for himself, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. FRANKEN, Mr. SANDERS, Mr. MERKLEY, and Mr. BEGICH):

S. 572. A bill to amend title 38, United States Code, to repeal the prohibition on collective bargaining with respect to matters and questions regarding compensation of employees of the Department of Veterans Affairs other than rates of basic pay, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DEMINT (for himself and Mr. GRAHAM):

S. 573. A bill to establish a harbor maintenance block grant program to provide maximum flexibility to each State to carry out harbor maintenance and deepening projects in the State, to require transparency for water resources development projects carried out by the Corps of Engineers, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. REID (for himself, Mr. MCCONNELL, Mr. KERRY, Mr. LUGAR, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 101. A resolution expressing the sense of the Senate relating to the March 11, 2011, earthquake and tsunami in Japan; considered and agreed to.

ADDITIONAL COSPONSORS

S. 28

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 28, a bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes.

S. 214

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 214, a bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 215

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 215, a bill to amend the Internal Revenue Code of 1986 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 218

At the request of Mr. ENSIGN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 218, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 242

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 242, a bill to amend title 10, United States Code, to enhance the roles and responsibilities of the Chief of the National Guard Bureau.

S. 260

At the request of Mr. NELSON of Florida, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Minnesota (Ms. KLOBUCHAR)

were added as cosponsors of S. 260, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 328

At the request of Mr. BROWN of Ohio, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 328, a bill to amend title VII of the Tariff Act of 1930 to clarify that countervailing duties may be imposed to address subsidies relating to fundamentally undervalued currency of any foreign country.

S. 344

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 344, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service—connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat—Related Special Compensation, and for other purposes.

S. 358

At the request of Mr. ROBERTS, the names of the Senator from Louisiana (Mr. VITTER), the Senator from Tennessee (Mr. CORKER), the Senator from Alabama (Mr. SHELBY), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Indiana (Mr. LUGAR) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 358, a bill to codify and modify regulatory requirements of Federal agencies.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 374

At the request of Mr. KERRY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 374, a bill to amend title XVIII of the Social Security Act to eliminate the 190—day lifetime limit on inpatient psychiatric hospital services under the Medicare program.

S. 387

At the request of Mrs. BOXER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 387, a bill to amend title 37, United States Code, to provide flexible spending arrangements for members of uniformed services, and for other purposes.

S. 411

At the request of Ms. KLOBUCHAR, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 411, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into agreements with States and nonprofit organizations to collaborate in the provision of case management services associated with certain supported housing programs for veterans, and for other purposes.

S. 414

At the request of Mr. DURBIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 414, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 418

At the request of Mr. HARKIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 496

At the request of Mr. MCCAIN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 496, a bill to amend the Food, Conservation, and Energy Act to repeal a duplicative program relating to inspection and grading of catfish.

S. 509

At the request of Mr. UDALL of Colorado, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 509, a bill to amend the Federal Credit Union Act, to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 522

At the request of Mr. WARNER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 522, a bill to clarify the rights and responsibilities of Federal entities in the spectrum relocation process, and for other purposes.

S. 528

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 528, a bill to provide driver safety grants to States with graduated driver licensing laws that meet certain minimum requirements.

S. 545

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 545, a bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to strengthen the quality control measures in place for part B lung disease claims and part E processes with independent reviews.

S. 549

At the request of Mr. ENSIGN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 549, a bill to require the Attorney General of the United States to compile, and make publically available, certain data relating to the Equal Access to Justice Act, and for other purposes.

S. 550

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 550, a bill to improve the provision of assistance to fire departments, and for other purposes.

S. 554

At the request of Mr. GRAHAM, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 554, a bill to prohibit the use of Department of Justice funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001, terrorist attacks.

S. 559

At the request of Ms. KLOBUCHAR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 559, a bill to promote the production and use of renewable energy, and for other purposes.

S. 560

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 560, a bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare program.

S. CON. RES. 4

At the request of Ms. MIKULSKI, her name was added as a cosponsor 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 memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

S. RES. 51

At the request of Mr. MENENDEZ, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Missouri (Mr. BLUNT), the Senator from Ohio (Mr. BROWN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from Michigan (Mr. LEVIN), the Senator from Indiana (Mr. LUGAR), the Senator from Maryland (Ms. MIKULSKI), the Senator from Florida (Mr. NELSON), the Senator from Idaho (Mr. RISCH), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. Res. 51, a resolution recognizing the 190th anniversary of the independence of Greece and celebrating Greek and American democracy.

S. RES. 98

At the request of Mr. KOHL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 98, a resolution to express the sense of the Senate regarding the school breakfast program.

S. RES. 99

At the request of Mr. DEMINT, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator

from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 99, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 100

At the request of Mr. BENNET, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 100, a resolution designating March 11, 2011, as ''World Plumbing Day''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. LUGAR, and Mr. UDALL of Colorado):

S. 565. A bill to establish an employment-based immigrant visa for alien entrepreneurs who have received significant capital from investors to establish a business in the United States; to the Committee on the Judiciary.

Mr. LUGAR. Mr. President, I rise to support the StartUp Visa Act of 2011, as the leading Republican cosponsor, because I believe this legislation will increase the possibility that companies such as Google, Intel, Yahoo and Proctor & Gamble—which were all started completely or in part by immigrant entrepreneurs—will continue to be founded in America. This legislation will help immigrant entrepreneurs like Paroon Chadha, Purdue University alumnus and cofounder of a company that currently employs more than two dozen American-born Hoosiers and continues to grow—as demonstrated by plans to hire four additional staff members in April 2011. Paroon and I believe America remains the best country in the world to do business and that we should continue attracting immigrant entrepreneurs to help drive innovation and job creation here at home.

At a time when our country struggles to achieve full economic recovery, foreign-born entrepreneurs who wish to establish companies and create jobs in the United States, often with the financial backing of American investors, are instead operating from other countries because they find the process of immigrating to the U.S. too difficult. The logic of our current approach places America at a competitive disadvantage in the global race to attract the very best talent and is counterproductive to our national interest.

According to a 2009 survey of American entrepreneurs conducted by the Kauffman Foundation, an overwhelming majority of the participants felt that ''the United States cannot have a sustained economic recovery without another burst of entrepreneurial activity.'' Over the past 15 years, immigrant entrepreneurs have started 25 percent of venture-backed public companies and 40 percent of companies in the high technology sector. A 2007 report commissioned by the National Venture Capital Association noted that the market capitalization of publically traded venture-backed companies founded by immigrant entrepreneurs exceeded $500 billion.

The StartUp visa represents a commonsense solution to this problem and does not require the creation of new visas. The bill proposes to draw from existing visas under the EB–5 category, which is a set-aside of visas for immigrants who invest at least $1 million in the U.S., and thereby create 10 jobs, to obtain a green card. In areas where unemployment is high, foreign nationals need only invest $500,000 to obtain residency. Many more visas are annually allocated for the EB–5 category than are used, so the addition of immigrant entrepreneurs will not require additional visas.

Better utilizing existing visas, immigrant entrepreneurs living outside the United States would be eligible to apply for a StartUp visa if a qualified American investor agrees to financially sponsor their entrepreneurial venture with a minimum investment of $100,000. After 2 years, their business must have created five new jobs and raised not less than $500,000 in additional capital investment or generate not less than $500,000 in revenue.

Additionally, immigrant entrepreneurs currently residing in the United States on an unexpired H–1B visa or immigrant entrepreneurs currently in the country who have completed a graduate level degree in science, technology, engineering, math, computer science, or other relevant academic discipline from an accredited United States institution of higher education would be eligible for a StartUp visa. Eligibility in each of these cases is contingent upon the immigrant entrepreneur demonstrating that they will be self-sufficient and that a qualified U.S. investor will financially back their entrepreneurial venture with a minimum investment of $20,000. After 2 years, their business must have created three new jobs and raised not less than $100,000 in additional capital investment or generate not less than $100,000 in revenue.

Finally, immigrant entrepreneurs living outside the U.S. who have controlling interest of a company based in a foreign country that has generated, during the most recent 12-month period, not less than $100,000 in revenue from sales in the U.S. would be eligible to apply for a StartUp visa. At the conclusion of 2 years, this immigrant entrepreneur must have created three new jobs in the U.S. and raised not less than $100,000 in additional capital investment or generate not less than $100,000 in revenue.

Immigrant entrepreneurs want to come to America, hire Americans, and create jobs right here for Americans—and we should be helping them come. Senator KERRY and I believe that it is in our national interest to encourage those who can help drive the next generation of innovation to do it here, not someplace else. This plan has the support of investors, immigrants, technology organizations, and taxpayers. I ask for your support on passage of this bill.

By Ms. MURKOWSKI:

S. 566. A bill to provide for the establishment of the National Volcano Early Warning and Monitoring System; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to reintroduce a bill and talk about an issue that has, unfortunately, become a regular occurrence in Alaska and holds great interest to the Nation and the world. I am talking about volcano monitoring. While erupting volcanoes are a early constant part of our lives in Alaska, it usually takes a worldwide event such the eruption last year of a volcano in Iceland, which disrupted air traffic in Europe and around the world, to capture the public's attention.

Two years ago it was the eruption of Mount Redoubt, which cancelled hundreds of flights in Alaska that motivated me to introduce the National Volcano Early Warning and Monitoring System Act. I reintroduce the bill now because it is still vitally important to the United States.

The volcanoes in Alaska make up well over three-quarters of U.S. volcanoes that have erupted in the last two hundred years. About 50 volcanic eruptions occur around the world every year, according to the United States Geological Survey, USGS. The United States ranks third, behind Indonesia and Japan, in its number of historically active volcanoes.

That is why it is so important to fund volcano monitoring, which in Alaska is through the Alaska Volcano Observatory. The Alaska Volcano Observatory, AVO, is one of five Volcano observatories in the United States. It is a joint program of the United States Geological Survey, the Geophysical Institute of the University of Alaska Fairbanks, and the State of Alaska Division of Geological and Geophysical Surveys. AVO is unique in the United States and probably the world, in that it is a thoroughly collaborative undertaking of federal scientists, state scientists, and university faculty and students.

AVO was formed in 1988, after an eruption of Mount Augustine, and uses federal, state, and university resources to monitor and study Alaska's hazardous volcanoes, to predict and record

eruptive activity, and to mitigate volcanic hazards to life and property. Alaska has over 30 active volcanoes currently being monitored by the Alaska Volcano Observatory. No other observatory in the world comes even close to that number. AVO also analyzes available satellite data twice daily for thermal anomalies and ash plumes at about 80 volcanoes in the north Pacific. Russian volcanoes frequently put ash into areas where the U.S. has aviation safety responsibilities. Alaska's active volcanoes also offer superb opportunities for basic scientific investigations of volcanic processes. An important component of AVO's program is to conduct research at selected volcanic centers.

Alaska's volcanoes are potentially hazardous to passenger and freight aircraft as jet engines sometimes fail after ingesting volcanic ash. On December 15, 1989, a Boeing 747 flying 240 kilometers, 150 miles, northeast of Anchorage encountered an ash cloud erupted from Redoubt Volcano and lost power in all four jet engines. The plane, with 231 passengers aboard, lost more than 10,000 feet of elevation before the flight crew was able to restart the engines. After landing, it was determined the airplane had suffered about $80 million in damage. The U.S. Geological Survey said about 100 encounters of aircraft with volcanic ash were documented from 1983 to 2000. In some cases engines shut down briefly after sucking in volcanic debris, but there have been no fatal incidents.

The FAA estimates, based on information provided by the Federal Aviation Administration, that more than 80,000 large aircraft per year, and 30,000 people per day, are in the skies over and potentially downwind of many of Alaska's volcanoes, mostly on the heavily traveled great-circle routes between Europe, North America, and Asia. Along this route, which coincidently follows the northern portion of the Pacific ''ring of fire'', are over 100 volcanoes capable of depositing ash into the flight path. Some are in Japan, many are in Russia, but about half are in Alaska. By analyzing satellite imagery and working with the National Weather Service to predict where winds will carry the ash, AVO assists the Federal Aviation Administration in warning aircraft of areas to avoid.

Volcanic eruptions from Cook Inlet volcanoes, Spurr, Redoubt, Iliamna, and Augustine, can have severe impacts, as these volcanoes are nearest to Anchorage, Alaska's largest population center. The last major series of eruptions of Mt. Redoubt occurred in the spring of 2009. The Alaska Volcano Observatory had recorded 26 volcanic eruptions and/or explosions at Redoubt volcano.

There were several impacts from this series of eruptions from Mount Redoubt. Two major lahars, mudflows, moved down the Drift River and partially inundated an oil terminal. Airborne ash clouds posed a hazard to aviation and caused multiple flight cancellations and reroutes. Alaska Airlines cancelled approximately 200 flights. FedEx, United Parcel Service and several other cargo airlines rerouted aircraft to Seattle. Ash fall forced Ted Stevens International Airport, the third busiest cargo airport in the world, to close for 20 consecutive hours. Disruption to the aviation industry was significant for passenger travel and cargo transportation between Asia and North America. Minor ash fall impacted several communities as far downwind as Delta Junction, Alaska, 400 miles northeast of Anchorage. Elmendorf Air Force Base assets were temporarily relocated. There were also impacts to oil field operations due to the cessation of oil storage at Chevron's Drift River Oil Terminal. The economic impact is estimated to be less than or equal to the Redoubt eruptions also disrupted air traffic in the region. Hundreds of commercial flights were cancelled and cargo companies were significantly impacted. This resulted in employees being placed on unpaid leave during periods when airport operations were shut down.

International volcano monitoring is also a role of the Federal Government. It likely saved many lives—and significant money—in the case of the 1991 eruption of Mount Pinatubo in the Philippines, where the United States had military bases at the time. The cataclysmic eruption lasted more than 10 hours and sent a cloud of ash as high as 22 miles into the air that grew to more than 300 miles across. The United States Geological Survey spent less than $1.5 million monitoring the volcano and was able to warn of the impending eruption, which allowed authorities to evacuate residents, as well as aircraft and other equipment from U.S. bases there. The USGS estimates that the efforts saved thousands of lives and prevented property losses of at least $250 million.

It is not enough to justify a program by just identifying a danger. The more important question is whether something can be done to reduce the impact of a volcanic eruption in terms of property damage and loss of life. That means getting people out of harm's way by providing advance warning. And this is exactly what the USGS Volcano Hazards Program seeks to do through the existing volcano observatories in the United States.

The advances made in monitoring can now provide much more accurate and timely predictions of eruptions. As an example, in 1989, AVO was only able to provide a few days warning before Mount Redoubt erupted. This year, they began to detect activity and notified the public two months before it eventually erupted.

The biggest challenge remains finding an adequate and stable source of funding. The USGS Volcano Hazards Program has been constantly underfunded. Both USGS and the FAA provide funding, but it is not enough to manage all the observatories or provide for an expansion of the system to cover increased monitoring and volcano research.

It is because of the inadequate funding, and critical importance of this program, that I intend to introduce a bill that will provide the funding stability that volcano monitoring needs. This program shows that with a modest investment, a very large benefit can be produced in reducing the impacts of catastrophic events.

My legislation will establish a National Volcano Early Warning and Monitoring System within the United States Geological Survey to monitor warn and protect citizens from undue and avoidable harm from volcanic activity. The USGS will coordinate a management plan with the other relevant federal departments, including the Department of Transportation, Federal Aviation Administration; the National Oceanic and Atmospheric Administration, the Department of Homeland Security and the Federal Emergency Management Agency.

The legislation authorizes appropriations of $15 million annually to the Department of Interior to carry out the Act.

By Mr. CONRAD (for himself and Ms. COLLINS):

S. 567. A bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

Mr. CONRAD. Mr. President. I am pleased to be joined by my colleague, Senator COLLINS, as we introduce the REAP Reauthorization Act of 2011. Nearly one-third of America's public schools are in rural places, and 23 percent of our students attend these schools. Unfortunately, the unique nature of rural schools creates significant challenges as they work to meet federal education requirements.

Geographic isolation, diseconomies of scale, and poverty are some the challenges commonly cited as major barriers to education delivery in rural places. Unfortunately, Federal education funding programs—which are often based on population—do not provide adequate resources for rural schools to overcome these obstacles and meet programmatic requirements. Additionally, rural school districts often forgo federal education dollars because they lack the capacity to apply for competitive grants.

Senator COLLINS and I began working together a decade ago to ensure equity for rural schools. With bipartisan support, we successfully fought to include the original Rural Education Achievement Program—otherwise known as REAP—in the No Child Left Behind Act.

To date, REAP is the only source of federal funding dedicated to helping

rural school districts overcome financial inequality caused by geographic isolation and poverty. REAP dollars make a critical difference in rural States like North Dakota, where schools with graduating classes of five try to enact the same education reforms and provide ash same opportunities as those provided by schools with graduating classes of 500. Since its creation, REAP has provided rural schools with flexibility and over $1.5 billion to carry out Federal education programs.

With the pending reauthorization of the Elementary and Secondary Education Act, we are reintroducing our REAP Reauthorization Act in the 112th Congress. The REAP Reauthorization Act makes improvements to the Rural Education Achievement Program that will more closely target Federal resources to geographically isolated and high-poverty rural districts.

The program-wide changes made in this bill will provide many districts with access to necessary resources by allowing eligible districts that do not receive funds under the Small Rural Schools Program to participate in the Rural Low Income Schools Program. Our bill also incorporates new locale codes to make the program consistent with those developed by the National Center for Education Statistics.

Additionally, the bill makes program-specific improvements to the Small, Rural School Achievement Program to increase minimum and maximum grant allocations when REAP is funded at $200 million or above. Lastly, our REAP Reauthorization proposal incorporates a more accurate measurement of poverty to determine eligibility for the Rural and Low-Income Schools Program. With these changes, more school districts and students in rural America will benefit from REAP resources.

I am pleased that Senator COLLINS is joining me again this year as an original cosponsor of this bill, and I look forward to working with my colleagues to pass this important legislation.

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

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

S. 567

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 ''Rural Education Achievement Program Reauthorization Act of 2011''.

SEC. 2. SMALL, RURAL SCHOOL ACHIEVEMENT PROGRAM.

Sections 6211 and 6212 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7345, 7345a) are amended to read as follows:

''SEC. 6211. USE OF APPLICABLE FUNDING.

''(a) ALTERNATIVE USES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, an eligible local educational agency may use the applicable funding that the agency is eligible to receive from the State educational agency for a fiscal year to carry out local activities authorized under any of the following provisions:

''(A) Part A of title I.

''(B) Part A or D of title II.

''(C) Title III.

''(D) Part A or B of title IV.

''(E) Part A of title V.

''(2) NOTIFICATION.—An eligible local educational agency shall notify the State educational agency of the local educational agency's intention to use the applicable funding in accordance with paragraph (1), by a date that is established by the State educational agency for the notification.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if—

''(A)(i)(I) the total number of students in average daily attendance at all of the schools served by the local educational agency is fewer than 600; or

''(II) each county in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile; and

''(ii) all of the schools served by the local educational agency are designated with a school locale code of Fringe Rural, Distant Rural, or Remote Rural, as determined by the Secretary; or

''(B) the agency meets the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the local educational agency's request to waive the criteria described in subparagraph (A)(ii).

''(2) CERTIFICATION.—The Secretary shall determine whether to waive the criteria described in paragraph (1)(A)(ii) based on a demonstration by the local educational agency, and concurrence by the State educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.

''(c) APPLICABLE FUNDING DEFINED.—In this section, the term 'applicable funding' means funds provided under any of the following provisions:

''(1) Subpart 2 and section 2412(a)(2)(A) of title II.

''(2) Section 4114.

''(3) Part A of title V.

''(d) DISBURSEMENT.—Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies for alternative uses under this section for the fiscal year at the same time as the State educational agency disburses the applicable funding to local educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

''(e) APPLICABLE RULES.—Applicable funding under this section shall be available to carry out local activities authorized under subsection (a).

''SEC. 6212. GRANT PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Secretary is authorized to award grants to eligible local educational agencies to enable the local educational agencies to carry out activities authorized under any of the following provisions:

''(1) Part A of title I.

''(2) Part A or D of title II.

''(3) Title III.

''(4) Part A or B of title IV.

''(5) Part A of title V.

''(b) ALLOCATION.—

''(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall award a grant under subsection (a) to a local educational agency eligible under section 6211(b) for a fiscal year in an amount equal to the initial amount determined under paragraph (2) for the fiscal year minus the total amount received by the agency under the provisions of law described in section 6211(c) for the preceding fiscal year.

''(2) DETERMINATION OF INITIAL AMOUNT.—

''(A) IN GENERAL.—The initial amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus $20,000, except that the initial amount may not exceed $60,000.

''(B) SPECIAL RULE.—For any fiscal year for which the amount made available to carry out this part is $100,000,000 or more, subparagraph (A) shall be applied—

''(i) by substituting '$25,000' for '$20,000'; and

''(ii) by substituting '$80,000' for '$60,000'.

''(3) RATABLE ADJUSTMENT.—

''(A) IN GENERAL.—If the amount made available to carry out this section for any fiscal year is not sufficient to pay in full the amounts that local educational agencies are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.

''(B) ADDITIONAL AMOUNTS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.

''(c) DISBURSEMENT.—The Secretary shall disburse the funds awarded to a local educational agency under this section for a fiscal year not later than July 1 of that fiscal year.

''(d) SPECIAL ELIGIBILITY RULE.—A local educational agency that receives a grant under this subpart for a fiscal year is not eligible to receive funds for such fiscal year under subpart 2.''.

SEC. 3. RURAL AND LOW-INCOME SCHOOL PROGRAM.

Section 6221 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7351) is amended to read as follows:

''SEC. 6221. PROGRAM AUTHORIZED.

''(a) GRANTS TO STATES.—

''(1) IN GENERAL.—From amounts appropriated under section 6234 for this subpart for a fiscal year that are not reserved under subsection (c), the Secretary shall award grants (from allotments made under paragraph (2)) for the fiscal year to State educational agencies that have applications submitted under section 6223 approved to enable the State educational agencies to award grants to eligible local educational agencies for local authorized activities described in section 6222(a).

''(2) ALLOTMENT.—From amounts described in paragraph (1) for a fiscal year, the Secretary shall allot to each State educational agency for that fiscal year an amount that bears the same ratio to those amounts as the number of students in average daily attendance served by eligible local educational agencies in the State for that fiscal year bears to the number of all such students served by eligible local educational agencies in all States for that fiscal year.

''(3) SPECIALLY QUALIFIED AGENCIES.—

''(A) ELIGIBILITY AND APPLICATION.—If a State educational agency elects not to participate in the program under this subpart or does not have an application submitted under section 6223 approved, a specially qualified agency in such State desiring a grant under this subpart may submit an application under such section directly to the Secretary to receive an award under this subpart.

''(B) DIRECT AWARDS.—The Secretary may award, on a competitive basis or by formula,

the amount the State educational agency is eligible to receive under paragraph (2) directly to a specially qualified agency in the State that has submitted an application in accordance with subparagraph (A) and obtained approval of the application.

''(C) SPECIALLY QUALIFIED AGENCY DEFINED.—In this subpart, the term 'specially qualified agency' means an eligible local educational agency served by a State educational agency that does not participate in a program under this subpart in a fiscal year, that may apply directly to the Secretary for a grant in such year under this subsection.

''(b) LOCAL AWARDS.—

''(1) ELIGIBILITY.—A local educational agency shall be eligible to receive a grant under this subpart if—

''(A) 40 percent or more of the children ages 5 through 17 years served by the local educational agency are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act; and

''(B) all of the schools served by the agency are designated with a school locale code of Distant Town, Remote Town, Fringe Rural, Distant Rural, or Remote Rural, as determined by the Secretary.

''(2) AWARD BASIS.—A State educational agency shall award grants to eligible local educational agencies—

''(A) on a competitive basis;

''(B) according to a formula based on the number of students in average daily attendance served by the eligible local educational agencies or schools in the State; or

''(C) according to an alternative formula, if, prior to awarding the grants, the State educational agency demonstrates, to the satisfaction of the Secretary, that the alternative formula enables the State educational agency to allot the grant funds in a manner that serves equal or greater concentrations of children from families eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act, relative to the concentrations that would be served if the State educational agency used the formula described in subparagraph (B).

''(c) RESERVATIONS.—From amounts appropriated under section 6234 for this subpart for a fiscal year, the Secretary shall reserve—

''(1) one-half of 1 percent to make awards to elementary schools or secondary schools operated or supported by the Bureau of Indian Affairs, to carry out the activities authorized under this subpart; and

''(2) one-half of 1 percent to make awards to the outlying areas in accordance with their respective needs, to carry out the activities authorized under this subpart.

''(d) SPECIAL ELIGIBILITY RULE.—A local educational agency that is eligible to receive a grant under this subpart and is also eligible to receive a grant under subpart 1, may receive a grant under this subpart for a fiscal year only if the local educational agency does not receive a grant under subpart 1 for such fiscal year.''.

Ms. COLLINS. Mr. President, I rise today to speak about a program designed to address the unique needs of rural schools. The Rural Education Achievement Program, or REAP, is designed to help level the playing field for small and high-poverty rural school systems. It is the only dedicated Federal funding stream to aid rural school districts in overcoming the increased expenses caused by geographic isolation.

Nearly one-third of America's public schools are in rural places, and more than 21 percent of our public school students attend these schools. Students in rural America should have the same access to Federal dollars and a good education as those students who attend school in urban and suburban communities. For this reason, I worked with Senator KENT CONRAD in 2001 to author the law creating the REAP program. REAP created two grant programs including the Small and Rural Schools Achievement Program, SRSA, which provides additional funding and flexibility to small rural school districts, and the Rural and Low-Income School Program, RLIS, which provides additional funding for poor rural school districts.

Prior to enactment of this law, rural school districts received funds calculated on school enrollment. In many of these districts, Federal formula programs, which are based on population, do not produce enough resources to carry out the purposes the grant is intended to fund. One school district in Maine, for example, received only $28 in 2001 to fund a districtwide safe and drug-free school program.

In addition, small and rural school districts often forgo Federal education dollars because they lack the personnel and the resources to apply for competitive grants. Having fewer personnel also creates additional challenges in providing professional development opportunities. Small rural districts are often located long distances from other districts, towns, and universities, drastically reducing opportunities to partner or collaborate. By allowing rural school districts to combine funds, as well as providing additional funds, REAP gives these districts the levels of resources required to undertake significant reform. Funds from this program have already helped to support new technology in classrooms, distance learning opportunities, and professional development activities, as well as a vast array of other programs which will help rural districts make progress towards the goals of the No Child Left Behind Act.

In 2007 and 2009, along with Senator CONRAD, I cosponsored legislation to reauthorize this important program. Unfortunately, no action has been taken. The REAP Reauthorization Act of 2011 would reauthorize and enact a few focused changes to the law. These changes will allow Federal funds to be even more closely targeted to geographically isolated districts. One important change will allow program eligible districts to participate in the Rural and Low-Income School Program if they would not receive financial benefits from the Small and Rural Schools Achievement Program.

Education is an essential driver for economic development. This rings true especially in rural America, where schools are the linchpin of rural communities. I am encouraged to see that the Maine School Management Association has spoken in support of the REAP Reauthorization Act of 2011. As cochair of the Senate Rural Education Caucus, I will continue to work towards our goal of advancing the educational interests of rural schools and districts.

Mr. President. I ask unanimous consent to have printed in the RECORD a letter from the Maine School Management Association.

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

MAINE SCHOOL
MANAGEMENT ASSOCIATION,
Augusta, Maine, March 1, 2011.

Re Reauthorization of REAP.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: The Maine School Boards Association and the Maine School Superintendents Association want to thank you for your continued sponsorship of the REAP Program. Specifically, our Associations are pleased to support the 2011 Reauthorization of REAP. Throughout the years, REAP funding has helped to provide equity for many small schools in Maine and our expectation is that will continue with this Reauthorization.

Both, the National School Boards Association and the American Association of School Administrators also are supportive of the Reauthorization of REAP.

The Maine School Boards Association and the Maine School Superintendents Association appreciate your continued support for public education. We want to commend you for your willingness to pay attention to various legislative issues that may impact Maine public schools. We also want to praise your staff for their expertise and accessibility to our organizations. As always, our Associations are available as a resource to you and to your staff.

Thank you again.

Sincerely,

TERRY MCCABE,
Associate Executive Director.

By Mrs. FEINSTEIN (for herself, Mr. HATCH, Mr. LEAHY, Mr. GRAHAM, Mr. REID, Mr. LEE, Mr. INOUYE, Mr. BINGAMAN, Mr. LIEBERMAN, and Mr. KERRY):

S. 569. A bill to provide for fairness for the Federal judiciary; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Federal Judicial Fairness Act of 2011.

I want to thank Senator HATCH, as well as Senators LEAHY, GRAHAM, REID, LEE, INOUYE, BINGAMAN, LIEBERMAN, and KERRY, for working with me as cosponsors of this important bill.

The Federal Judicial Fairness Act is a straightforward bill that would ensure that Federal judges receive cost-of-living adjustments to their salaries on the same terms as other Federal civilian employees.

Let me be clear from the outset: This bill would not provide a judicial pay raise. In fact, it would not even guarantee a cost-of-living adjustment for this year, the next year, or the next. Instead, it would simply guarantee that in years in which other Federal civilian employees receive cost-of-living adjustments to their salaries to account for inflation, Federal judges will as well.

Under current law, two procedural requirements prevent this from happening.

First, the ''linking'' of judicial and Congressional salaries means that judges cannot receive a cost-of-living adjustment unless Congress first votes to provide an adjustment for its own Members.

Second, due to a 1981 provision known as ''Section 140,'' even if Congress votes to adjust its own Members' salaries, Congress must pass a second, special provision stating that judges should receive this adjustment as well.

The Federal Judicial Fairness Act's would amend this pay structure and provide that Federal judges should receive adjustments on the same term as other Federal civilian employees.

Why is this important?

Article III of the United States Constitution requires that Federal judges shall ''receive for their services, a compensation, which shall not be diminished during their continuance in office.''

This is a constitutional guarantee, entitled to due respect. Serious concerns arise when, as is the current system, political pressures result in the real value of judicial salaries diminishing and declining over time. Justice Kennedy expressed it this way in his 2007 testimony before the Senate Judiciary Committee:

> Please accept my respectful submission that, to keep good faith with our basic charter, you have the unilateral constitutional obligation to act when another branch of government needs your assistance for the proper performance of its duties. It is both necessary and proper, furthermore, that we as judges should, and indeed must, advise you if we find that a threat to the judiciary as an institution has become so serious and debilitating that urgent relief is necessary. In my view, the present Congressional compensation policy for judicial officers is one of these matters.

Additionally, as members of the Senate, I believe we have a responsibility to make every effort to recruit and retain the very best for the Federal bench. Both recruitment and retention become far more difficult when we cannot assure candidates that the salary provided at the beginning of a life appointment will hold its value over time. This assurance is basic for other Federal employees and should be for our Federal judges as well.

The Federal Judicial Fairness Act is a commonsense, good government bill. I urge my colleagues to join me in supporting it.

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

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

S. 569

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 ''Federal Judicial Fairness Act of 2011''.

SEC. 2. JUDICIAL COST-OF-LIVING INCREASES.

(a) REPEAL OF STATUTORY REQUIREMENT RELATING TO JUDICIAL SALARIES.—Section 140 of the resolution entitled ''A Joint Resolution making further continuing appropriations for the fiscal year 1982, and for other purposes.'', approved December 15, 1981 (Public Law 97–92; 95 Stat. 1200; 28 U.S.C. 461 note), is repealed.

(b) AUTOMATIC SALARY ADJUSTMENTS.—Section 461(a) of title 28, United States Code, is amended to read as follows:

''(a) Effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under sections 5303 and 5304 of title 5 in the rates of pay under the General Schedule, each salary rate which is subject to adjustment under this section shall be adjusted by an amount, rounded to the nearest multiple of $100 (or, if midway between multiples of $100, to the next higher multiple of $100) equal to the percentage of such salary rate which corresponds to the overall average percentage of the adjustment in the rates of pay under the General Schedule.''.

By Mrs. MURRAY (for herself, Mr. FRANKEN, and Mr. BEGICH):

S. 571. A bill to amend subtitle B of title VII of the McKinney-Vento Homeless Assistance Act to provide education for homeless children and youths, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, I rise to talk about legislation that I have introduced that is essential to the academic success of millions of vulnerable children and youth.

The Educational Success for Children and Youth Without Homes Act responds to the growing crisis of homelessness in our nation. The legislation will help homeless children and youth thrive in school, despite the constant moves, trauma, and loss associated with homelessness.

The recession has contributed to homelessness among two groups of students: children who are homeless with their families, and youth who are homeless on their own. This reality was brought starkly to light in a recent CBS 60 Minutes special about homeless children. The series documented several Florida families that have fallen on hard times, yet are doing their best to make ends meet and keep their children in school. It was heartbreaking to see these families who are struggling. However, it increased my resolve and determination to introduce this legislation, which will provide much-needed support for kids across the country.

The numbers of homeless children are shocking. During the 2008–2009 academic year, there were almost 1 million homeless children enrolled in public schools across the nation. That was a 41 percent increase over the previous two years. Unfortunately, this alarming trend shows no sign of abating. Many states are reporting increases between 5 and 35 percent for the 2009–2010 school year. We owe it to these children to provide them with a safe place where they can learn and become successful adults.

We know that school offers homeless children and youth structure, normalcy, support, and hope—it is a place where they can obtain the skills that they will need to avoid poverty and homelessness as adults. Yet these students face great educational challenges. High mobility, precarious living conditions, and severe poverty combine to create major barriers to school enrollment and regular attendance. Many homeless children and youth lack basic supplies and a reasonable environment where they can do homework. As a result of their circumstances, homeless students often perform below their peers in math and reading and are more likely to be held back.

We must do more to assist these students so they do not continue to be left behind. The Educational Success for Children and Youth Without Homes Act of 2011 would do just that. The bill amends the McKinney-Vento Act's Education for Homeless Children and Youth program. It makes a strong law even stronger by reinforcing and expanding the law's key provisions: school stability, enrollment, and support for academic achievement.

My legislation will enhance the right of homeless children to stay in the same school, so that children who have lost their homes do not also lose their schools. It will assist schools in meeting the challenges of transporting homeless students by increasing the authorized funding level and allowing other federal funds for educating low-income students to be used for homeless transportation. When staying in the same school is not possible, or not in a child's best interest, the legislation will help the student make a seamless transition to a new school.

One of the most successful features of the McKinney-Vento program is the requirement for every school district to designate a liaison for homeless children and youth. Liaisons identify homeless students, ensure their enrollment and attendance, and connect them to community resources. Liaisons are the backbone of this program, the unsung heroes who have become a lifeline for children and youth in crisis. Yet most liaisons do not have the capacity to carry out their required duties; they wear many hats and struggle to meet the growing demands of this population. As a result, too many homeless children and youth are falling through the cracks and missing out on school. The Educational Success for Children and Youth Without Homes Act will strengthen the critical position of homeless liaison by ensuring that liaisons have the time, resources, and training to fulfill their mandated duties.

The Educational Success for Children and Youth Without Homes Act also recognizes the unique needs of certain groups of homeless children: preschool-aged homeless children, and unaccompanied homeless youth.

Young children who are homeless have higher rates of developmental

delays and other problems that set them back as they start out life, yet they face numerous barriers to participating in early childhood programs. They miss out on services that can mitigate the harmful effect of homelessness on their development. This legislation will increase homeless children's participation in preschool programs by requiring public preschool programs to identify and prioritize homeless children for enrollment, and to develop the capacity to serve all identified homeless children.

Unaccompanied homeless youth struggle to go to school without the basic necessities of life or a parent to guide them. We must assist unaccompanied homeless youth to overcome the unique educational challenges related to being without a home and without a parent or guardian. This legislation will help ensure that unaccompanied homeless youth have the supports necessary to stay in school, graduate with their peers, and move on to a brighter future.

The history of litigation under the McKinney-Vento Act makes clear that we must do a better job helping educators learn about homelessness and support them in implementing the law. To this end, the legislation provides funding for technical assistance and training, and requires participation in professional development activities.

As we work on the reauthorization of the Elementary and Secondary Education Act, we must recognize that children who do not know where they will sleep at night, or where their next meal will come from, face far greater challenges than simply remembering to do their homework. We must acknowledge that children who bounce between schools with each change of residence have little hope of taking advantage of even the best school programs. The most qualified teacher, or the most exceptional math or reading program, will not benefit children who are not enrolled in school, not attending regularly, and not assisted to overcome the barriers caused by homelessness. The Educational Success for Children and Youth Without Homes Act builds upon the proven successes of the McKinney-Vento Act's Education of Homeless Children and Youth program, while addressing remaining challenges. It is critical legislation that will help ensure that the homeless children of today do not become the homeless adults of tomorrow.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 101—EXPRESSING THE SENSE OF THE SENATE RELATING TO THE MARCH 11, 2011, EARTHQUAKE AND TSUNAMI IN JAPAN

Mr. REID of Nevada (for himself, Mr. MCCONNELL, Mr. KERRY, Mr. LUGAR, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 101

Whereas at 2:46 pm on March 11, 2011, an earthquake initially reported as measuring 8.9 on the Richter scale, the strongest recorded in more than 100 years in Japan, occurred near the Tohoku region of Northeast Japan, 81 miles off the coast from Sendai City;

Whereas intense shaking could be felt from Tokyo to Kamaishi, an arc of roughly 360 miles;

Whereas the earthquake generated a massive tsunami that caused widespread damage to a swath of the northeast Japanese coastline and traveled across the Pacific Ocean, causing damage to coastal communities as far away as the States of Hawaii, Oregon, and California;

Whereas authorities in Japan confirm at least 2,800 deaths from the earthquake and resulting tsunami, a toll that is expected to rise as many thousands remain missing as of the date of approval of this resolution;

Whereas approximately 400,000 people have been displaced from their homes and are now living in shelters or with relatives;

Whereas within minutes of the earthquake, the National Oceanic and Atmospheric Administration alerted emergency workers in the States of Hawaii, California, Oregon, Washington, and Alaska that a potentially catastrophic tsunami was heading toward those States and mobilized the Tsunami Warning System in the Pacific;

Whereas the earthquake forced the emergency shutdown of 4 nuclear power facilities in Japan, representing a significant loss of electric generation capacity for Japan and necessitating rolling blackouts in portions of Tokyo;

Whereas the earthquake and the resulting tsunami severely damaged the Fukushima Daiichi nuclear power station, precipitating a loss of power for cooling systems at that facility and necessitating emergency measures to prevent serious radiation leakages;

Whereas emergency management experts at the International Atomic Energy Agency, the Department of Energy, and the Nuclear Regulatory Commission are continuing to work with authorities in Japan to address the challenges posed by the damage to the Daiichi nuclear facility;

Whereas international response to the disaster has been swift, with search and rescue teams arriving from the United States, the United Kingdom, Australia, New Zealand, France, and China, among other countries;

Whereas the USS Ronald Reagan aircraft carrier and its support vessels have deployed to the earthquake region to participate in search and rescue and relief operations;

Whereas elements of the III Marine Expeditionary Force (MEF), a United States Agency for International Development Disaster Assistance Response Team (DART), and other United States military and civilian personnel have deployed to Japan to render aid and help coordinate United States relief efforts;

Whereas January 19, 2011, marked the 51st anniversary of the signing of the United States-Japan Treaty of Mutual Cooperation and Security, which has played an indispensable role in ensuring the security and prosperity of both the United States and Japan, as well as in promoting regional peace and stability;

Whereas the United States-Japan alliance is based upon shared values, democratic ideals, free markets, and a mutual respect for human rights, individual liberties, and the rule of law;

Whereas Japan is among the most generous donor nations, providing billions of dollars of foreign assistance, including disaster relief, annually to developing countries; and

Whereas the Self-Defense Forces of Japan have contributed broadly to global security missions, including relief operations following the tsunami in Indonesia in 2005, reconstruction in Iraq from 2004 to 2006, and relief assistance following the earthquake in Haiti in 2010: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of life resulting from the earthquake and tsunami in Japan on March 11, 2011;

(2) expresses its deepest condolences to the families of the victims of this tragedy;

(3) expresses its sympathies to the survivors who are still suffering in the aftermath of this natural disaster;

(4) commends the government of Japan for its courageous and professional response to this natural disaster;

(5) supports the efforts already underway by the United States Government, relief agencies, and private citizens to assist the government and people of Japan in their time of need; and

(6) urges the United States and the international community to provide additional humanitarian assistance to aid the survivors and support reconstruction efforts.

AMENDMENTS SUBMITTED AND PROPOSED

SA 161. Mr. JOHANNS (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

SA 162. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 163. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 164. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 165. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 166. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 167. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 168. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 169. Mr. ENZI (for himself, Mr. THUNE, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 161. Mr. JOHANNS (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—COMPREHENSIVE 1099 TAXPAYER PROTECTION

SEC. 601. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS TO PAYMENTS MADE TO CORPORATIONS AND TO PAYMENTS FOR PROPERTY AND OTHER GROSS PROCEEDS.

(a) APPLICATION TO CORPORATIONS.—Section 6041 of the Internal Revenue Code of 1986 is amended by striking subsections (i) and (j).

(b) PAYMENTS FOR PROPERTY AND OTHER GROSS PROCEEDS.—Subsection (a) of section 6041 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''amounts in consideration for property,'', and

(2) by striking ''gross proceeds,'' both places it appears.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after December 31, 2011.

SEC. 602. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) IN GENERAL.—Section 6041 of the Internal Revenue Code of 1986 is amended by striking subsection (h).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2010.

SEC. 603. INCREASE IN AMOUNT OF OVERPAYMENT OF HEALTH CARE CREDIT WHICH IS SUBJECT TO RECAPTURE.

(a) IN GENERAL.—Clause (i) of section 36B(f)(2)(B) of the Internal Revenue Code of 1986 is amended to read as follows:

''(i) IN GENERAL.—In the case of a taxpayer whose household income is less than 400 percent of the poverty line for the size of the family involved for the taxable year, the amount of the increase under subparagraph (A) shall in no event exceed the applicable dollar amount determined in accordance with the following table (one-half of such amount in the case of a taxpayer whose tax is determined under section 1(c) for the taxable year):

''If the household income pressed as a period of property line) is:	The applicable dollar amount is:
Less than 200$	$600
At least 200% but less than 300%	$1,500
At least 300% but less than 400%	$2,500.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

SA 162. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 504. RECISION OF FUNDS FOR THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES.

(a) RECISION.—Notwithstanding any other provision of law, all unobligated balances held by the Chairperson of the National Endowment for the Arts, the Chairperson of the National Endowment for the Humanities, and the Director of the Institute of Museum and Library Services for the National Foundation on the Arts and the Humanities under the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951 note et seq.), as in effect on the day before the date of enactment of this Act, are rescinded and no funds appropriated hereafter for such activities shall be expended, except as determined necessary or essential by either such Chairperson or Director, in consultation with the appropriate Federal agencies.

(b) SAVINGS.—The savings from this section shall be transferred to the Secretary of the Treasury, and the Secretary of the Treasury shall use the transferred funds to reduce the budget deficit of the United States.

SA 163. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON FUNDING OF PLANNED PARENTHOOD.

Effective on the date of enactment of this Act, no Federal funds may be made available for any purpose to Planned Parenthood Federation of America, Inc. or any of the following affiliates of Planned Parenthood Federation of America, Inc.:

(1) Planned Parenthood Southeast in Atlanta, Georgia.

(2) Planned Parenthood of the Great Northwest in Seattle, Washington.

(3) Planned Parenthood Arizona in Phoenix, Arizona.

(4) Planned Parenthood of Arkansas and Eastern Oklahoma in Tulsa, Oklahoma.

(5) Planned Parenthood of Greater Memphis Region in Memphis, Tennessee.

(6) Planned Parenthood Affiliates of California in Sacramento, California.

(7) Planned Parenthood Los Angeles in Los Angeles, California.

(8) Planned Parenthood Mar Monte in San Jose, California.

(9) Planned Parenthood of Orange & San Bernardino Counties, Inc. in Orange, California.

(10) Planned Parenthood Pasadena and San Gabriel Valley, Inc. in Pasadena, California.

(11) Planned Parenthood of the Pacific Southwest in San Diego, California.

(12) Planned Parenthood of Santa Barbara, Ventura & San Luis Obispo Counties in Santa Barbara, California.

(13) Planned Parenthood: Shasta-Diablo in Concord, California.

(14) Six Rivers Planned Parenthood in Eureka, California.

(15) Planned Parenthood of the Rocky Mountains in Denver, Colorado.

(16) Planned Parenthood of Southern New England, Inc. in New Haven, Connecticut.

(17) Planned Parenthood of Delaware in Wilmington, Delaware.

(18) Planned Parenthood of Metropolitan Washington, D.C., Inc. in Washington, District of Columbia.

(19) Florida Association of Planned Parenthood Affiliates in Sarasota, Florida.

(20) Planned Parenthood of Collier County in Naples, Florida.

(21) Planned Parenthood of Greater Orlando, Inc. in Orlando, Florida.

(22) Planned Parenthood of North Florida in Jacksonville, Florida.

(23) Planned Parenthood of South Florida and the Treasure Coast, Inc. in West Palm Beach, Florida.

(24) Planned Parenthood of Southwest and Central Florida, Inc. in Sarasota, Florida.

(25) Planned Parenthood of Hawaii in Honolulu, Hawaii.

(26) Planned Parenthood of Greater Washington and North Idaho in Yakima, Washington.

(27) Planned Parenthood of Illinois in Chicago, Illinois.

(28) Planned Parenthood of the St. Louis Region in St. Louis, Missouri.

(29) Planned Parenthood of Indiana, Inc. in Indianapolis, Indiana.

(30) Iowa Planned Parenthood Affiliate League in Des Moines, Iowa.

(31) Planned Parenthood of East Central Iowa in Cedar Rapids, Iowa.

(32) Planned Parenthood of the Heartland in Des Moines, Iowa.

(33) Planned Parenthood of Southeast Iowa in Burlington, Iowa.

(34) Planned Parenthood of Kansas and Mid-Missouri in Overland Park, Kansas.

(35) Planned Parenthood of Kentucky, Inc. in Louisville, Kentucky.

(36) Planned Parenthood Southwest Ohio Region in Cincinnati, Ohio.

(37) Planned Parenthood Gulf Coast, Inc. in Houston, Texas.

(38) Planned Parenthood of Northern New England in Williston, Vermont.

(39) Planned Parenthood of Maryland, Inc. in Baltimore, Maryland.

(40) Planned Parenthood League of Massachusetts in Boston, Massachusetts.

(41) Planned Parenthood Affiliates of Michigan in Lansing, Michigan.

(42) Planned Parenthood of West and Northern Michigan in Grand Rapids, Michigan.

(43) Planned Parenthood Mid and South Michigan in Ann Arbor, Michigan.

(44) Planned Parenthood of South Central Michigan in Kalamazoo, Michigan.

(45) Planned Parenthood of Minnesota, North Dakota, South Dakota in St. Paul, Minnesota.

(46) Planned Parenthood of Southwest Missouri in St. Louis, Missouri.

(47) Tri-Rivers Planned Parenthood in Rolla, Missouri.

(48) Planned Parenthood of Montana, Inc. in Billings, Montana.

(49) Planned Parenthood of the Heartland in Omaha, Nebraska.
(50) Planned Parenthood Affiliates of New Jersey in Trenton, New Jersey.
(51) Planned Parenthood Association of the Mercer Area in Trenton, New Jersey.
(52) Planned Parenthood of Central New Jersey in Shrewsbury, New Jersey.
(53) Planned Parenthood of Greater Northern New Jersey, Inc. in Morristown, New Jersey.
(54) Planned Parenthood of Metropolitan New Jersey in Newark, New Jersey.
(55) Planned Parenthood of Southern New Jersey in Camden, New Jersey.
(56) Planned Parenthood of New Mexico, Inc. in Albuquerque, New Mexico.
(57) Family Planning Advocates of New York State in Albany, New York.
(58) Planned Parenthood Hudson Peconic, Inc. in Hawthorne, New York.
(59) Planned Parenthood Mohawk Hudson in Utica, New York.
(60) Planned Parenthood of Mid-Hudson Valley, Inc. in Poughkeepsie, New York.
(61) Planned Parenthood of Nassau County, Inc. in Hempstead, New York.
(62) Planned Parenthood of New York City, Inc. in New York, New York.
(63) Planned Parenthood of the North Country New York, Inc. in Watertown, New York.
(64) Planned Parenthood of South Central New York, Inc. in Oneonta, New York.
(65) Planned Parenthood of the Rochester/Syracuse Region in Rochester, New York.
(66) Planned Parenthood of the Southern Finger Lakes in Ithaca, New York.
(67) Planned Parenthood of Western New York, Inc. in Buffalo, New York.
(68) Upper Hudson Planned Parenthood, Inc. in Albany, New York.
(69) Planned Parenthood Health Systems, Inc. in Raleigh, North Carolina.
(70) Planned Parenthood of Central North Carolina in Chapel Hill, North Carolina.
(71) Planned Parenthood Affiliates of Ohio in Columbus, Ohio.
(72) Planned Parenthood of Central Ohio, Inc. in Columbus, Ohio.
(73) Planned Parenthood of Northeast Ohio in Akron, Ohio.
(74) Planned Parenthood of Northwest Ohio in Toledo, Ohio.
(75) Planned Parenthood of Southeast Ohio in Athens, Ohio.
(76) Planned Parenthood of Central Oklahoma, Inc. in Oklahoma City, Oklahoma.
(77) Planned Parenthood Advocates of Oregon in Eugene, Oregon.
(78) Planned Parenthood of Southwestern Oregon in Eugene, Oregon.
(79) Planned Parenthood Columbia Willamette in Portland, Oregon.
(80) Planned Parenthood Pennsylvania Advocates in Harrisburg, Pennsylvania.
(81) Planned Parenthood Association of Bucks County in Warminster, Pennsylvania.
(82) Planned Parenthood of Central Pennsylvania, Inc. in York, Pennsylvania.
(83) Planned Parenthood of Northeast and Mid-Penn in Trexlertown, Pennsylvania.
(84) Planned Parenthood of Western Pennsylvania in Pittsburgh, Pennsylvania.
(85) Planned Parenthood Southeastern Pennsylvania in Philadelphia, Pennsylvania.
(86) Planned Parenthood of Middle and East Tennessee, Inc. in Nashville, Tennessee.
(87) Texas Association of Planned Parenthood Affiliates in Austin, Texas.
(88) Planned Parenthood Association of Cameron & Willacy Counties, Inc. in Brownsville, Texas.
(89) Planned Parenthood Association of Hidalgo County, Inc. in McAllen, Texas.
(90) Planned Parenthood Association of Lubbock, Inc. in Lubbock, Texas.
(91) Planned Parenthood of Central Texas, Inc. in Waco, Texas.
(92) Planned Parenthood of North Texas, Inc. in Dallas, Texas.
(93) Planned Parenthood of the Texas Capital Region in Austin, Texas.
(94) Planned Parenthood of West Texas, Inc. in Odessa, Texas.
(95) Planned Parenthood Trust of San Antonio and South Central Texas in San Antonio, Texas.
(96) Planned Parenthood Association of Utah in Salt Lake City, Utah.
(97) Planned Parenthood Advocates of Virginia in Charlottesville, Virginia.
(98) Planned Parenthood of Southeastern Virginia, Inc. in Hampton, Virginia.
(99) Virginia League for Planned Parenthood in Richmond, Virginia.
(100) Planned Parenthood Public Policy Network of Washington in Seattle, Washington.
(101) Mt. Baker Planned Parenthood in Bellingham, Washington.
(102) Planned Parenthood of Wisconsin, Inc. in Milwaukee, Wisconsin.

SA 164. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 504. DEFUNDING HEALTH CARE REFORM.

Notwithstanding any other provision of law, no funds are authorized to be appropriated to carry out the provisions of the Patient Protection and Affordable Care Act (Public Law 111–148), the provisions of title I and subtitle B of title III of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), and any amendment made by any such provision. The unobligated balances of funds appropriated to carry out such provisions are hereby rescinded.

SA 165. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—CORPORATION FOR PUBLIC BROADCASTING

SEC. 601. RESCISSION OF FUNDS APPROPRIATED THROUGH FISCAL YEAR 2012 FOR CORPORATION FOR PUBLIC BROADCASTING.

Notwithstanding any other provision of law, the portion of all unobligated balances appropriated or otherwise made available to the Corporation for Public Broadcasting for use in any of fiscal years 2011 or 2012 are rescinded and no such funds shall be obligated or expended by such Corporation.

SEC. 602. PROHIBITION ON FEDERAL FUNDS FOR CORPORATION FOR PUBLIC BROADCASTING AFTER FISCAL YEAR 2012.

(a) IN GENERAL.—Section 396 of the Communications Act of 1934 (47 U.S.C. 396) is amended by adding at the end the following new subsection:

''Prohibition on Federal Funds After Fiscal Year 2012

''(n) No Federal funds may be made available to the Corporation for Public Broadcasting after fiscal year 2012.''.

(b) CORPORATION PROHIBITED FROM ACCEPTING FEDERAL FUNDS.—Subsection (g) of section 396 of the Communications Act of 1934 (47 U.S.C. 396(g)) is amended—

(1) in paragraph (2)(A), by inserting ''subject to paragraph (3)(C),'' before ''obtain''; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) accepting funds from the Federal Government after fiscal year 2012.''.

(c) CONFORMING AMENDMENTS.—Section 396 of the Communications Act of 1934 (47 U.S.C. 396) is further amended—

(1) in subsection (k)(3)(A)(iv)(II), by inserting ''through fiscal year 2012'' after ''amounts received''; and

(2) in subsection (m)—

(A) in paragraph (1), by inserting ''through fiscal year 2012'' after ''every three years thereafter''; and

(B) in paragraph (2), by inserting ''and through fiscal year 2012,'' after ''1989,''.

SA 166. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—HAMP TERMINATION ACT

SEC. 601. SHORT TITLE.

This title may be cited as the ''HAMP Termination Act of 2011''.

SEC. 602. TERMINATION OF AUTHORITY.

Section 120 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5230) is amended by adding at the end the following new subsection:

''(c) TERMINATION OF AUTHORITY TO PROVIDE NEW ASSISTANCE UNDER THE HOME AFFORDABLE MODIFICATION PROGRAM.—

''(1) IN GENERAL.—Except as provided under paragraph (2), after the date of the enactment of this subsection the Secretary may not provide any assistance under the Home Affordable Modification Program under the Making Home Affordable initiative of the Secretary, authorized under this Act, on behalf of any homeowner.

''(2) PROTECTION OF EXISTING OBLIGATIONS ON BEHALF OF HOMEOWNERS ALREADY EXTENDED AN OFFER TO PARTICIPATE IN THE PROGRAM.—Paragraph (1) shall not apply with respect to assistance provided on behalf of a homeowner who, before the date of the enactment of this subsection, was extended an offer to participate in the Home Affordable Modification Program on a trial or permanent basis.''.

SA 167. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF DAVIS-BACON WAGE REQUIREMENTS.

(a) IN GENERAL.—Subchapter IV of chapter 31 of title 40, United States Code, is repealed.

(b) REFERENCE.—Any reference in any law to a wage requirement of subchapter IV of chapter 31 of title 40, United States Code, shall after the date of the enactment of this Act be null and void.

(c) EFFECTIVE DATE AND LIMITATION.—The amendment made by subsection (a) shall take effect 30 days after the date of the enactment of this Act but shall not affect any

contract in existence on such date of enactment or made pursuant to invitation for bids outstanding on such date of enactment.

SA 168. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE.

It is the sense of the Senate that no funds should be made available for fiscal year 2011 for the Administrator of the Environmental Protection Agency to implement, administer, or enforce any statutory or regulatory requirement pertaining to emissions of carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, or perfluorocarbons from any stationary source (as defined in section 111(a)(3) of the Clean Air Act (42 U.S.C. 7411(a)(3))) that is promulgated or becomes applicable or effective after January 1, 2011.

SA 169. Mr. ENZI (for himself, Mr. THUNE, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, strike line 7 and all that follows through page 111, line 25, and insert the following:

(A) in subparagraph (A), by striking ''or'' at the end; and

(B) by adding at the end the following:

''(C) the National Academy of Sciences, in the final report issued by the 'America's Energy Future: Technology Opportunities, Risks, and Tradeoffs' project, and in any subsequent report by the National Academy of Sciences on sustainability, energy, or alternative fuels;

''(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in any subsequent report by the National Institutes of Health on rare diseases research activities;

''(E) the National Academy of Sciences, in the final report issued by the 'Transit Research and Development: Federal Role in the National Program' project and the report entitled 'Transportation Research, Development and Technology Strategic Plan (2006–2010)' issued by the Research and Innovative Technology Administration of the Department of Transportation, and in any subsequent report issued by the National Academy of Sciences or the Department of Transportation on transportation and infrastructure; or

''(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in any report issued by the National Science and Technology Council Committee on Technology that focuses on areas of nanotechnology identified in such plan;''; and

(2) by adding after paragraph (12), as added by section 111(a) of this Act, the following:

''(13) encourage applications under the SBIR program (to the extent that the projects relate to the mission of the Federal agency)—

''(A) from small business concerns in geographic areas underrepresented in the SBIR program or located in rural areas (as defined in section 1393(a)(2) of the Internal Revenue Code of 1986);

''(B) small business concerns owned and controlled by women;

''(C) small business concerns owned and controlled by veterans;

''(D) small business concerns owned and controlled by Native Americans; and

''(E) small business concerns located in a geographic area with an unemployment rates that exceed the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.''.

(b) STTR PROGRAM.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)), as amended by section 111(b) of this Act, is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking ''or'' at the end; and

(B) by adding at the end the following:

WORLD PLUMBING DAY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 100 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 100) designating March 11, 2011 as ''World Plumbing Day.''

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

Mr. BROWN of Ohio. 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 related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 100) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 100

Whereas the industry of plumbing plays an important role in safeguarding the public health of the people of the United States and the world;

Whereas 884,000,000 people around the world do not have access to safe drinking water;

Whereas 2,600,000,000 people around the world live without adequate sanitation facilities;

Whereas the lack of sanitation is the largest cause of infection in the world;

Whereas in the developing world, 24,000 children under the age of 5 die every day from preventable causes, such as diarrhea contracted from unclean water;

Whereas safe and efficient plumbing helps save money and reduces future water supply costs and infrastructure costs;

Whereas the installation of modern plumbing systems must be accomplished in a specific, safe manner by trained professionals in order to prevent widespread disease, which can be crippling and deadly to the community;

Whereas the people of the United States rely on plumbing professionals to maintain, repair, and rebuild the aging water infrastructure of the United States; and

Whereas Congress and plumbing professionals across the United States and the world are committed to safeguarding public health: Now, therefore, be it

Resolved, That the Senate designates March 11, 2011, as ''World Plumbing Day''.

EARTHQUAKE AND TSUNAMI IN JAPAN

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 101 which was introduced earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 101) expressing the sense of the Senate relating to the March 11, 2011, earthquake and tsunami in Japan.

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

Mr. BROWN of Ohio. 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 related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 101) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 101

Whereas at 2:46 pm on March 11, 2011, an earthquake initially reported as measuring 8.9 on the Richter scale, the strongest recorded in more than 100 years in Japan, occurred near the Tohoku region of Northeast Japan, 81 miles off the coast from Sendai City;

Whereas intense shaking could be felt from Tokyo to Kamaishi, an arc of roughly 360 miles;

Whereas the earthquake generated a massive tsunami that caused widespread damage to a swath of the northeast Japanese coastline and traveled across the Pacific Ocean, causing damage to coastal communities as far away as the States of Hawaii, Oregon, and California;

Whereas authorities in Japan confirm at least 2,800 deaths from the earthquake and resulting tsunami, a toll that is expected to rise as many thousands remain missing as of the date of approval of this resolution;

Whereas approximately 400,000 people have been displaced from their homes and are now living in shelters or with relatives;

Whereas within minutes of the earthquake, the National Oceanic and Atmospheric Administration alerted emergency workers in the States of Hawaii, California, Oregon, Washington, and Alaska that a potentially catastrophic tsunami was heading toward those States and mobilized the Tsunami Warning System in the Pacific;

Whereas the earthquake forced the emergency shutdown of 4 nuclear power facilities in Japan, representing a significant loss of electric generation capacity for Japan and necessitating rolling blackouts in portions of Tokyo;

Whereas the earthquake and the resulting tsunami severely damaged the Fukushima Daiichi nuclear power station, precipitating a loss of power for cooling systems at that

facility and necessitating emergency measures to prevent serious radiation leakages;

Whereas emergency management experts at the International Atomic Energy Agency, the Department of Energy, and the Nuclear Regulatory Commission are continuing to work with authorities in Japan to address the challenges posed by the damage to the Daiichi nuclear facility;

Whereas international response to the disaster has been swift, with search and rescue teams arriving from the United States, the United Kingdom, Australia, New Zealand, France, and China, among other countries;

Whereas the USS Ronald Reagan aircraft carrier and its support vessels have deployed to the earthquake region to participate in search and rescue and relief operations;

Whereas elements of the III Marine Expeditionary Force (MEF), a United States Agency for International Development Disaster Assistance Response Team (DART), and other United States military and civilian personnel have deployed to Japan to render aid and help coordinate United States relief efforts;

Whereas January 19, 2011, marked the 51st anniversary of the signing of the United States-Japan Treaty of Mutual Cooperation and Security, which has played an indispensable role in ensuring the security and prosperity of both the United States and Japan, as well as in promoting regional peace and stability;

Whereas the United States-Japan alliance is based upon shared values, democratic ideals, free markets, and a mutual respect for human rights, individual liberties, and the rule of law;

Whereas Japan is among the most generous donor nations, providing billions of dollars of foreign assistance, including disaster relief, annually to developing countries; and

Whereas the Self-Defense Forces of Japan have contributed broadly to global security missions, including relief operations following the tsunami in Indonesia in 2005, reconstruction in Iraq from 2004 to 2006, and relief assistance following the earthquake in Haiti in 2010: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of life resulting from the earthquake and tsunami in Japan on March 11, 2011;

(2) expresses its deepest condolences to the families of the victims of this tragedy;

(3) expresses its sympathies to the survivors who are still suffering in the aftermath of this natural disaster;

(4) commends the government of Japan for its courageous and professional response to this natural disaster;

(5) supports the efforts already underway by the United States Government, relief agencies, and private citizens to assist the government and people of Japan in their time of need; and

(6) urges the United States and the international community to provide additional humanitarian assistance to aid the survivors and support reconstruction efforts.

ORDER OF PROCEDURE

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the following Senators be recognized at the times listed below, as in morning business, for the purpose of giving their maiden speech to the Senate: Senator PORTMAN from my State, following the maiden speech of Senator COATS on Tuesday, March 15, for up to 15 minutes, and Senator BLUMENTHAL of Connecticut at 12 noon, Wednesday, March 16, for up to 20 minutes.

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

ORDERS FOR TUESDAY, MARCH 15, 2011

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, March 15; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and following any leader remarks, there be a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; further, that at 11 a.m. the Senate proceed to the consideration of S. 493, the small business reauthorization bill; and finally, I ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings.

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

PROGRAM

Mr. BROWN of Ohio. Mr. President, tomorrow, at 2:15 p.m., Senator COATS will be recognized to speak for up to 30 minutes to deliver his maiden speech to the Senate, and following his statement, Senator PORTMAN will be recognized to speak for up to 15 minutes to deliver his maiden speech.

Rollcall votes in relation to amendments to the small business jobs bill are possible throughout the day tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWN of Ohio. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:19 p.m., adjourned until Tuesday, March 15, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

MADELYN R. CREEDON, OF INDIANA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE MICHAEL NACHT.

ALAN F. ESTEVEZ, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIEL READINESS. (NEW POSITION)

MISSISSIPPI RIVER COMMISSION

MAJOR GENERAL MICHAEL J. WALSH, UNITED STATES ARMY, TO BE A MEMBER AND PRESIDENT OF THE MISSISSIPPI RIVER COMMISSION.

REAR ADMIRAL JONATHAN W. BAILEY, NOAA, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION.

DEPARTMENT OF STATE

LEWIS ALAN LUKENS, OF VIRGINIA, 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 SENEGAL, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA-BISSAU.

PAUL D. WOHLERS, OF WASHINGTON, 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 MACEDONIA.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

ARIEL PABLOS-MENDEZ, OF NEW YORK, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE KENT R. HILL, RESIGNED.

NATIONAL SCIENCE FOUNDATION

DAN ARVIZU, OF COLORADO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2016. (REAPPOINTMENT)

ALAN I. LESHNER, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2016. (REAPPOINTMENT)

NATIONAL BOARD FOR EDUCATION SCIENCES

ROBERT C. GRANGER, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2014, VICE JAMES R. DAVIS, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate, March 14, 2011:

THE JUDICIARY

JAMES EMANUEL BOASBERG, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.