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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rev. Thad Austin, Associate Pastor of the First Methodist Church in Murfreesboro, TN.

The guest Chaplain offered the following prayer:

Let us pray.

O Lord, in whom we find life, bind our Nation to You. Make us a people devoted to prayer. Tame our wandering hearts and help us discover the meaning of freedom, justice, and mercy. Help our people to have the faith to seek You and the grace to pray for our enemies.

Lord, this is a solemn and holy day. Today, we celebrate a saint of Your church. May the virtues that St. Patrick embodied be instructive to us. For despite adversity, Patrick helped others find good news, and his actions changed a society.

May our lawmakers, like Patrick, grow in their love for You and their service to others. Enable them to see beyond the positions that divide this body and help them to long after humility, piety, and shared purpose.

Increase our faith, O Lord, and help our unbelief. Rouse our spirits and make us one Nation under You.

Eternal Father, Spirit, Word, we praise You, the Lord and light of our salvation. Hear our prayer, O Lord.

Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 17, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE REPUBLICAN LEADER

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

GUEST CHAPLAIN REV. THAD AUSTIN

Mr. MCCONNELL. Mr. President, it was a great honor to have the Reverend Thad Austin, of the First United Methodist Church in Murfreesboro, TN, provide the opening prayer this morning. I thank him for his wise words. Remembering the St. Patrick in St. Patrick's Day was a wonderful way to begin the session.

I first met the Reverend Austin at his alma mater, Asbury University in Wilmore, KY, when I visited there in 2007. Asbury University's mission is to engage the world and serve the Word through public service. Our guest Chaplain today has pursued that mission with great success.

Maybe it is a family calling. The Reverend Austin's grandfather, Dr. Edward U. Austin, was an admiral in the U.S. Navy who volunteered overseas as a medical missionary. His father, Stephen B. Austin, is a doctor who cares for our Nation's veterans.

They taught Thad that it was important to serve others—that in a nation that so generously provides what many in other parts of the world do not enjoy, it is important to give back.

The Reverend Austin has taken that advice very much to heart. He is still a young man, but he has accomplished a great deal. And he is not one to look back with pride on where he has been, but rather, look forward to all that he has left to do.

The Reverend Austin earned his degrees from Asbury University and the Asbury Theological Seminary, and he has also studied at Oxford University and the Wesley Theological Seminary here in the Nation's Capital. He is the pastor of congregational care at the First United Methodist Church, as well as a commissioned Elder there.

The Reverend Austin has preached in England, South Korea, and Mexico as well as in Kentucky, Tennessee, and several other States, and provided spiritual guidance and volunteer work in Mexico, Guatemala, Kentucky, and Tennessee. And while he has clearly gone on to do bigger and bolder things, let me also note that in 2009 he served as an intern in my office.

ADM Edward Austin, whose grandson has just addressed the Senate Chamber, is buried at Arlington. Our own Senate Chaplain Barry Black, also a Navy admiral, delivered his interment service. And I know Chaplain Black is just as pleased to have the Reverend Austin here with us today as I am.

Once again let me say it was a true honor to listen to the Reverend Austin's words this morning. I want to thank him for taking time from his important work to be here. And I thank him for his lifetime of service to his community and our Nation.

Mr. President, I yield the floor.

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

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. 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. ALEXANDER. Mr. President, I join Senator MCCONNELL in welcoming Reverend Austin from Murfreesboro, TN, just down the road from Nashville. He formerly worked here, as Senator MCCONNELL said. We are delighted he has this privilege today to pray at the beginning of the Senate, which is something that has happened since the beginning of the Senate, since the very first days of the Senate. I thank him for taking his time to be here. Welcome.

Mr. President, will the Chair let me know when I have consumed 8 minutes?

The ACTING PRESIDENT pro tempore. Yes.

HEALTH CARE

Mr. ALEXANDER. Mr. President, this is St. Patrick's Day, as Reverend Austin mentioned, and we celebrate that. We are coming up on another important anniversary, and that is the anniversary of the enactment of the health care law, which the majority regards as a historic achievement and most Republicans regard as a historic mistake.

I want to talk a little bit about that law, but there is another anniversary I remember very well that came a few days before enactment of the health care law—the so-called health care summit that was held at the Blair House. It was a remarkable event.

The President of the United States, who is highly intelligent and well-versed on health care, invited a bunch of us down to discuss health care. He stayed and we stayed for 6 or 7 hours. During that discussion, it was a pretty free exchange. I especially remember one of them. I had been asked by Senator MCCONNELL and Representative BOEHNER to represent Republicans in presenting our side, and the President's invitation gave us a platform we usually don't have. He has a better platform than we do most of the time.

We made our argument that we would prefer an approach on health care that instead of expanding the health care delivery system, which we all know costs too much, we should go step by step to reduce the cost of health care so more people can afford to buy insurance. That was the basic discussion we had. We got down to some facts. I had said that, according to the CBO, the President's plan would raise individual premiums and make insurance cost more for individuals who buy insurance by 10 to 13 percent. The President said, after I finished:

So, Lamar, when you mentioned earlier that you said premiums go up—that's just not the case, according to the Congressional Budget Office.

I said:

Mr. President, if you're going to contradict me, I ought to have a chance to respond. The Congressional Budget Office report says that premiums will rise in the individual market as a result of the Senate bill.

The President said:

No, no, no, no—let me—and this is an example of where we've got to get our facts straight.

I said:

That's my point.

And it went on from there. I had to make a decision at that moment whether I should continue to have a public disagreement with the President. I thought I was right, and he thought he was right, so I decided it would be more appropriate for me not to do that in public, to let other Senators and Congressmen have their say. I exchanged a letter with the President that day, and I came to the floor of the Senate later that week to make my argument on why I believed premiums would go up.

Mr. President, I ask unanimous consent to have printed in the RECORD the transcript of my exchange with the President and that of Senator KYL and a couple of Members of Congress and the letter I sent to the President that day which made my point rather than publicly argue with him. My remarks I made on the floor of the Senate later that day are in the RECORD.

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

THE WHITE HOUSE

DISCUSSION ON COST CONTAINMENT AT BIPARTISAN MEETING ON HEALTH CARE REFORM

(Blair House, Feb. 25, 2010)

(ROUGHLY 11 A.M.)

THE PRESIDENT: For folks who even with those lower costs still can't afford coverage, we'd provide some subsidies. But here's what I want to emphasize is that even without the subsidies it's estimated by the Congressional Budget Office that the plan we put forward would lower the costs in the individual market for the average person who's just trying to buy health insurance and they don't—they're not lucky enough to work for a big company, would lower their costs by between 14 and 20 percent.

So, Lamar, when you mentioned earlier that you said premiums go up—that's just not the case, according to the Congressional Budget Office.

SENATOR ALEXANDER: Mr. President, if you're going to contradict me, I ought to have a chance to—the Congressional Budget Office report says that premiums will rise in the individual market as a result of the Senate bill.

THE PRESIDENT: No, no, no, no—let me—and this is an example of where we've got to get our facts straight.

SENATOR ALEXANDER: That's my point.

THE PRESIDENT: Well, exactly. So let me respond to what you just said, Lamar, because it's not factually accurate. Here's what the Congressional Budget Office says. The costs for families for the same type of coverage as they're currently receiving would go down 14 to 20 percent. What the Congressional Budget Office says is, is that because now they've got a better deal because policies are cheaper, they may choose to buy better coverage than they have right now and that might be 10 to 13 percent more expensive than the bad insurance that they had previously. But they didn't say that the actual premiums would be going up. What they said was they'd be going down by 14 to 20 percent. And I promise you, I've gone through this carefully with the Congressional Budget Office. And I'll be happy to present this to the press and whoever is listening, because this is an important issue.

SENATOR ALEXANDER: Well, may I—may I—

THE PRESIDENT: Let me just finish, Lamar. Now, the—what we've done is we've tried to take every single cost containment idea that's out there. Every proposal that health care economists say will reduce health care costs, we've tried to adopt in the various proposals. There are some additional ideas that Republicans have presented that we think are interesting and we also tried to include. So, let me give you an example.

You mentioned the idea of buying across state lines, insurance. That's something that I've put in my proposal that's actually in the Senate proposal. I think that it shows some promise. You mentioned that as—that Mike Enzi has previously said, that he's interested in small businesses being able to pool in the equivalent of some sort of exchange. So that's where there's some overlap.

But I just think it's very important to understand that what we've done is to try to take every single cost containment idea that's out there and try to adopt it in this bill. What I'd like to do is to see if we can proceed and have a very concrete conversation about what are the ideas that you guys have that you don't think are in our bill to contain costs. And what I want to do is to see if maybe we can adopt some of those or refine what we've already done in order to further reduce costs.

SENATOR ALEXANDER: Mr. President, I've had my time—

THE PRESIDENT: And what I'd like to do also is to make sure that you maybe suggest some of the ideas that are currently in the bill that you think are good, because, Lamar, in your opening introduction, what I saw was sort of a—the usual critique of why you thought it was bad. But as I said, we've adopted a lot of the ideas that we've heard from your side of the aisle. So I hope maybe you could say, well, those are the ones that we think are good ideas; here are the things that we think are bad ideas, as opposed to just painting in broad brush. Go ahead.

SENATOR ALEXANDER: Mr. President, let me—let me show some respect for my colleagues here. They're all here eager to speak, all sure they could do a better job than I could on any of these points. And what I would like to do is get back directly to you with why I believe—with respect—you're wrong about the bill. Your bill would increase premiums, I believe; you say it wouldn't. So rather than argue with you in public about it, I'd like to put my facts down, give them to you. Maybe other colleagues will say that. As far as Mike Enzi's proposal, he is ready to talk about it; others are.

THE PRESIDENT: Good.

SENATOR ALEXANDER: So I appreciate the opportunity that Mitch and John gave me to talk. You've made some interesting points, and why not let other members of Congress have a chance to talk.

THE PRESIDENT: I think it's a great idea. I'd like to get this issue settled about whether premiums are reduced before we leave today, because I'm pretty certain I'm not wrong. And you give us the information—and we're going to be here all afternoon. I promise you we'll get this settled before the day is out. All right.

Mitch, who would you like to talk about cost?

(REMARKS FROM CONGRESSMAN CAMP—LATER IN THE MEETING)

CONGRESSMAN CAMP: I'm almost done. I do want to say on this issue on premiums, CBO, in their letter, on page four, does say that the estimated average premium per person for non-group policies would increase by 10 to 13 percent.

THE PRESIDENT: This is the discussion that I just had to—about Lamar. And—

CONGRESSMAN CAMP: Yes, they do say that. And they do say that the value of the benefit is higher, and that is why it goes up.

THE PRESIDENT: Right.

CONGRESSMAN CAMP: But the reason the value of the benefit is higher is because of the mandates contained in the legislation. And this is one of our big concerns with a lot of the issues that have been raised. Yes, we have similarities. But when all of this is structured around a government-centered exchange that sets the standard for these policies, states can't get out of these requirements unless they seek a waiver from the Secretary. That kind of approach raises costs. And so both of your comments were correct that costs do go up and it's because they have a richer benefit, but the reason it's richer is because of the mandates contained in these very large bills.

(REMARKS FROM SENATOR KYL LATER IN THE MEETING)

SENATOR KYL: Now, let me give you a couple of examples. Dave Camp, I think, pointed out the answer to the dispute that you and Lamar Alexander had a moment ago, and he was exactly right. Let me quote from the Congressional Budget Office letter—this is from Doug Elmendorf to Evan Bayh, November 30th, 2009: ''CBO and Joint Tax Committee estimate that the average premium per person covered, including dependents for new non-group policies, would be about 10 percent to 13 percent higher in 2016 than the average premium for non-group coverage in the same year under current law.'' Oliver Wyman, a very respected third-party group says it's even more—about 54 percent; in my state of Arizona, 72 percent increase. Why is it so? For a variety of reasons, but one of which both you and Dave Camp agreed on. It is a richer benefit. How did it get that way? Because the federal government would mandate it under your legislation in the insurance exchanges. And as a result, there would be a higher cost. How does this happen?

THE PRESIDENT: Okay, Jon. I'm going to go to you, Jim, but I—since as has tended to happen here, we end up talking about criticisms of the existing bill as opposed to where we might find agreement, I feel obliged just to go through a couple of the points that you raised.

Just to go back to the original argument that Lamar and I had and we've now chased around for quite some time. Look, if I'm a self-employed person who right now can't get coverage or can only buy the equivalent of Acme insurance that I had for my car—so I have some sort of high-deductible plan. It's basically not health insurance; it's house insurance. I'm going to—I'm buying that to protect me from some catastrophic situation; otherwise, I'm just paying out of pocket. I don't go to the doctor. I don't get preventive care. There are a whole bunch of things I just do without. But if I get hit by a truck, maybe I don't go bankrupt. All right, so that's what I'm purchasing right now.

What the Congressional Budget Office is saying is, is that if I now have the opportunity to actually buy a decent package inside the exchange that costs me about 10 to 13 percent more but is actually real insurance, then there are going to be a bunch of people who take advantage of that. So, yes, I'm paying 10 to 13 percent more, because instead of buying an apple, I'm getting an orange. They're two different things.

Now, you can still—you still have an option of—no, no, let me finish. The way that this bill is structured uses a high-cost pool, a catastrophic pool, for people who can't afford to buy that better insurance, but overall for a basic package—which, by the way, is a lot less generous than we give ourselves in Congress. So I'm amused when people say, let people have this not-so-good plan, let them have a high-deductible. But there would be a riot in Congress if we suddenly said, let's have Congress have a high-deductible plan, because we all think it's pretty important to provide coverage for our families. And the federal health insurance program has a minimum benefit that all of us take advantage of. And I haven't seen any Republicans—or Democrats—in Congress suddenly say, ''You know what, we should have more choices and not have to have this minimum benefit.''

So what we're basically saying is we're going to do the same thing for these other folks that we do for ourselves—on the taxpayers' dime, by the way.

Now, there is a legitimate philosophical difference around that, but I think it's just very important for us to remember that saying there's a baseline of coverage that people should be able to get if they're participating in this big pool is not some radical idea. And it's an idea that a lot of states—we were talking earlier about what states do—a lot of states already do it.

U.S. SENATE,
Washington, DC, February 25, 2010.

Hon. BARACK OBAMA,
President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: During today's discussion on health care, you and I disagreed about whether the health care bill that passed the Senate on a party-line vote on December 24 would cause health insurance premiums to rise even faster than if Congress did not act. I believe premiums will rise because of independent analysis of the bill:

On November 30, the non-partisan Congressional Budget Office (CBO) wrote in a letter to Senator Bayh that ''CBO and JCT estimate that the average premium per person covered (including dependents) for new nongroup policies would be about 10 percent to 13 percent higher in 2016 than the average premium for nongroup coverage in that same year under current law.''

When you asserted that CBO says premiums will decline by 14 to 20 percent under the Senate bill, you are leaving out an important part of CBO's calculations. These reductions are overwhelmed by a 27 to 30 percent increase in premiums due to the mandated coverage requirements in the legislation. CBO added those figures together to arrive at a net increase of 10 to 13 percent—as shown in their chart in that same letter.

In that same letter, CBO wrote, ''The legislation would impose several new fees on firms in the health sector. New fees would be imposed on providers of health insurance and on manufacturers and importers of medical devices. Both of those fees would be largely passed through to consumers in the form of higher premiums for private coverage.''

On December 10, the chief actuary for the Centers for Medicare and Medicaid Services—who works for your administration—concurred with the CBO. In his analysis, the actuary said, ''We anticipate such fees would generally be passed through to health consumers in the form of higher drug and device prices and higher insurance premiums.'' He also said, ''The additional demand for health services could be difficult to meet initially with existing health provider resources and could lead to price increases, cost-shifting, and/or changes in providers' willingness to treat patients with low-reimbursement health coverage.''

For these reasons, the Senate-passed bill will, indeed, cause Americans' insurance premium to rise, which is the opposite of the goal I believe we should pursue.

Sincerely,

LAMAR ALEXANDER.

Mr. ALEXANDER. We talk a lot about the law of unintended consequences in dealing with legislation. In this case I believe the health care law is a situation where we had a lot of predictable consequences. Republicans were saying, for example, premiums are going to rise. In fact, they have. We were saying specifically that individual premiums will rise. It was predictable they would because, in the first place, the health care law requires that individuals buy a better policy than what they buy today. So if they are going to buy a Cadillac instead of a Chevy, it will cost more and they will get more benefits.

Second, there are some taxes in the health care law, such as with medical devices, that are passed on to the consumer and premiums will go up.

Third, a lot of people who moved into Medicaid are going into a system of government health care where the doctors aren't properly reimbursed. Many of the doctors shift the costs over to the people who buy insurance. That is called cost shifting.

For all those reasons, we have seen stories regularly in California, Nevada, Wisconsin, and Connecticut that individual premiums, over the last year, have gone up at least partially due to mandates included in the new law.

Let's look at some of the other issues we talked about during that time. We said the bill would raise taxes. In fact, it does—$813 billion. As I mentioned, the tax on medical devices is passed right along to people who buy insurance, and their costs go up.

We said it would cut Medicare, and it has. Eleven million Medicare Advantage recipients—about one-fourth of everyone who has Medicare—are seeing or will see their benefits reduced.

We said there would be thousands of pages of new regulations that would hamper small businesses and individuals as they go about their daily lives. We are beginning to see them come. The most notorious is that form 1099 which causes 40 million businesses to file a report every time they buy something that costs more than $600. We hear a lot of talk about repealing that. We have tried to repeal it for some time, but it is still the law.

Something that particularly bothered me about the debate were the unfunded mandates on State governments. We hear about college tuition going up in California 30, 40 percent. People would be surprised to think that the reason may be that the Federal Government is imposing more

health care costs on California, and the money that ought to go for the University of California or the University of Tennessee isn't there. Where does the university get the money to keep its excellence? It raises tuition.

Our former Democratic Governor, who just retired, said the health care law imposes on Tennessee more than $1.1 billion in new costs between 2014 and 2019. That is an unfunded mandate from Washington that will cost the people of Tennessee.

Fewer jobs will be created as a result of this law. Someone might say: How can you say that? I will give an example. I met with a group of leaders of the restaurant industry in America. They are CEOs of all the big restaurant companies. They are the second largest employer in America. They hire a lot of low-income people. One of them said they had been operating their stores with 90 employees on the average, and as a result of the health care law, their goal was to operate with 70 employees. That is fewer jobs. And there were many other examples of that around the room.

Even the student loan takeover has created a problem because students are actually paying more in interest on their student loans to help pay for the new health care law, which I think a lot of students would not appreciate.

The health care law that was passed a year ago, which some believe is a historic achievement, we believe is a historic mistake. We believe it would have been better and will be better to, instead of expanding a health care system that costs too much, go step by step to reduce its costs so more people can afford insurance. We will continue to advocate that position. We voted to repeal the health care law. We lost that vote. But we are continuing to work.

The ACTING PRESIDENT pro tempore. The Senator's 8 minutes has expired.

Mr. ALEXANDER. With Senator JOHANNS' leadership and others, we will work to repeal the 1099 provision. Senator HATCH and others are working to give Governors more flexibility in the Medicaid Program. And we will continue to advocate solutions such as allowing people to buy insurance across State lines.

Next Wednesday is an important anniversary. Some believe it is a historic achievement. We believe it is a historic mistake and that there is a better solution to health care costs.

I thank the leader for his courtesy in giving me a chance to go ahead.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

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

HEALTH CARE

Mr. REID. Mr. President, when I was a little boy growing up, we used to have chickens, and every morning the roosters we had would make the most noise, unbelievable noise they would make. Maybe those roosters thought that when they crowed, the Sun would come up, but it had nothing to do with that. I have been places where roosters do not crow and the Sun still comes up.

My friend from Tennessee is using the rooster analogy and has about as much factual foundation as the analogy I just gave about the Sun coming up when the rooster crows.

I was at a breakfast this morning. One of my friends, a former chief of staff to one of the Senators here, said to me: Passing the health care bill was a miracle in the lives of him and his family. Those are his words, not mine. They have a child who developed diabetes. They could not find insurance for that child. Because of the health care bill, that child is fully insured now. That is what the health care bill is about.

For my friend to complain about the health insurance costs going up, a little bit of facts would make a lot of difference in that argument.

The health care bill does not go into effect until 2014. Parts of it do, but the main impetus of the health care bill to cover the 50 million people who have no health insurance does not kick in until 2014. The insurance costs have gone up because insurance companies raised the premiums, as they always do. One of the reasons we did the health care bill is to rein in the health care companies around the country that are really bankrupting our country.

Let's talk about what is in effect with the health care bill and what will be in effect. I did not come here to debate the health care bill, but when something is so without foundation and fact, I have to respond.

People, such as my friend Bob, have had miracles in their lives all over America during the past year because of that health care bill having passed because a child under 18 who has a preexisting illness cannot be denied insurance. Not only does it apply to children, every State in the Union has now set up programs for people who have long-term disabilities. Now they cannot be denied insurance. Not everybody gets that. You have to be uninsured for 6 months and other certain requirements, and it is not as good as for children under age 18, but it is pretty good.

I will also say this: Hundreds of thousands of students in college today have health insurance because their parents have health insurance. That is what we did in the law. We raised the bar on that so children can stay under their parents' health insurance for longer periods of time.

I am going to do an event next week in Nevada where we are going to have a number of businesses come together. People who employ fewer than 10 people whose average salary is less than $25,000 can have health insurance for the employees, and they get a 35-percent deduction in their premiums. That is because of the health care bill we passed. Mr. President, last year the IRS sent notices to 4.4 million small businesses in America to let them know that they may qualify for reduced premiums.

The health care bill is a very important bill. It is a milestone in the history of this country. We are setting up the exchanges now so everyone can have the same insurance I have. That is what it is all about. Millions of Federal employees have not perfect insurance but good insurance, as I have. My insurance is the same that an FBI agent has. Our goal is to make sure everyone in America has an opportunity to have insurance similar to ours.

The Presiding Officer may have a different health care plan than I have because every year—we are part of an exchange that we are going to set up for the 50 million people who have no health insurance. Every year, we get quotes from insurance companies, and we can buy different insurance. We can buy a Cadillac policy or maybe a Ford policy. We have a range of insurance we can buy. That is what we are trying and we have allowed America to have. Those exchanges are being set up in Nevada and other places around the country.

For people to talk about ObamaCare and let's get rid of it, get rid of it for what? Do we want my friend to go back to where he cannot get insurance for his child from these insurance companies whose interest is one thing—money, how much money they make? We have had to rein in those costs.

We keep talking about the cost of the health care bill. The Congressional Budget Office said it will reduce the debt of this country by $1.3 trillion. That is not some number I made up; it is the nonpartisan Congressional Budget Office.

I am convinced my friend was right. In his family's life, it was a miracle this past year because they had the ability to get insurance for their sick child.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, there will be a period for the transaction of morning business until 10:30 this morning, with Senators permitted to speak for up to 10 minutes each. The Republicans will control the first half and the majority will control the final half.

At 10:30 a.m., the Senate will resume consideration of S. 493, which is the small business jobs bill. We have been working through amendments on that legislation. Virtually every one of the amendments is not germane to the bill. That is OK. We are in the Senate, and that is how things work here. We have had scores of amendments filed. I am not going to file cloture on this bill today. We will work through the amendments, and maybe we can get a finite list of amendments when we come back. I hope we do not have to

file cloture on this bill. As I said, this is an extremely important bill.

Senator LANDRIEU was on a nationwide TV program today, and one of the commentaries—who, by the way, is a Republican, a former Member of Congress—said, and I am paraphrasing: Why would the Republicans want to hold up a jobs bill?

This is a jobs bill. The small business matter now before the Senate is a jobs bill, just as we did with the patent bill, just as we did with the FAA bill. It is a jobs bill. We should move on. We should have the amendments focused on how to improve a jobs bill and not do all this other extraneous stuff that virtually, without exception, has nothing to do with this bill.

At 12 noon, the Senate will proceed to consideration of H.J. Res. 48, the 3-week continuing resolution. There will be up to 3 hours of debate on that matter prior to a vote on passage of the joint resolution.

Following the CR, there will be 2 minutes of debate prior to a vote on the confirmation of Calendar No. 11, the nomination of Amy Berman Jackson, of the District of Columbia, to be U.S. District Judge for the District of Columbia.

We are going to have a briefing this afternoon for Senators at 2 o'clock dealing with the situation in the Middle East. That will be a classified briefing.

Mr. President, I ask unanimous consent that the time used by my friend—he is my friend; I have the greatest respect for Senator ALEXANDER; he is a true gentleman—that the time he used in his speech be deducted from the Republican's time in morning business this morning. They have the first run at morning business.

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

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE

Mr. MCCONNELL. Mr. President, next week does indeed mark the 1-year anniversary since the Democratic health care bill was signed into law. We all recall the debate quite well. It was the most partisan of debates. The only bipartisan moment was in the House when there was bipartisan opposition to the new health care bill. In the Senate, it was a strictly partisan vote—60 Democrats voted for it, 40 Republicans voted against it. If a single Democrat—even one—had changed their vote on that Christmas Eve, we would not be looking at the 1-year anniversary of the Democratic health care bill. This morning, I would like to look back on what we learned during that year.

Shortly before the final vote, then-Speaker PELOSI famously said that the Democrats had to pass the bill so they could find out what was in it—away, as she put it, from the ''fog of controversy.'' Now that the fog has lifted, the question arises, What do we know now that we did not know then?

We now know that those who promised us that ''if you like your plan, you can keep it'' were dead wrong. The Obama administration has already admitted that at least 7 million seniors will now lose their Medicare Advantage plans. And one of the administration's own top health care analysts recently admitted that this oft-repeated pledge was ''not true in all cases.''

We all knew the bill created strong incentives for businesses to drop or change employees' health care plans, the ones they get through their jobs. Now that the bill is passed, the White House admits it too. One recent study suggests that as many as 35 million American workers could see their employer-based health insurance plans dropped in this way. The administration's promises on this point, which were echoed by Capitol Hill Democrats, such as Speaker PELOSI, turned out to be hollow. Today, even the administration itself predicts more than half of all American workers will see their current employer-sponsored health care plans change within a couple of years' time.

Shortly after the health care bill became law, the Department of Labor acknowledged all of that. Small businesses would be most affected, it said, with as many as 80 percent expected to have to change their coverage to comply with the new law. For all remaining businesses, the administration now estimates that somewhere between 39 and 69 percent will be forced to change their plans to comply with costly and burdensome new dictates from health care bureaucrats in Washington.

What happened to the reassuring predictions that everybody's plans would stay the same? It turned out to be nonsense—utter nonsense.

Americans have every reason to be outraged, not only by the bill itself but also by the rhetoric that was used to sell it. Far from being reassured of all the bill's merits, Americans feel betrayed. Check the record. I doubt that one Democrat who voted for this bill told their constituents they would see a change in their plans. Yet here we are a year later and they just expect people to accept it. Democrats knew exactly what Americans wanted to hear, and that is what they told them. Perhaps the biggest deception of all was the claim that people could keep the plans they have.

OK, what else do we know about the bill? At a time when nearly 14 million Americans are looking for work, we know this bill only increases costs and burdens on employers and small businesses, making it even harder for them to keep current workers on board or to hire new ones. According to the independent Congressional Budget Office, the health care bill will result in the loss of more than 800,000 jobs over the next 10 years. What is more, 200 economists and experts, including two former CBO Directors, have said that the law's ''expensive mandates and penalties . . . create major barriers to stronger job growth.''

Another chief selling point of the bill is the promise that it would lower costs. Yet now we hear estimates from one of the administration's top actuaries that it will increase costs by $311 billion. And the CBO now estimates it will increase Federal health care spending by nearly $½ trillion over the next decade.

What about the cost to individuals and families? Well, according to the same independent analyst at the CBO, once fully implemented, the bill is expected to cause premiums on family policies to increase an average of $2,100 a year. So $311 billion more in cost to the government; $2,100 a year more in cost to the average family.

Meanwhile, other new rules are making it difficult for families to secure child-only plans. The fact that families in 19 States no longer have access to these once-common plans is just one of the harmful, unintended consequences Americans are stuck with now that the ''fog of controversy'' has lifted.

Taken all together, these broken promises illustrate why so many Americans continue to support a full—a full—repeal, which the new Republican-led House has passed, followed by commonsense reforms that will actually lower costs, improve care, and protect jobs.

The fog of controversy may have lifted, but contrary to the confident predictions of some, the contents of the health care bill are even worse than anyone expected. One year later, it looks even worse than it did then, and that is saying something.

I yield the floor.

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

Mr. KYL. Mr. President, I ask unanimous consent that morning business be for 1 hour and that the time be equally divided.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 51 minutes, 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 Republicans controlling the first half, the majority controlling the final half, and

the time consumed by the Senator from Tennessee deducted from the Republican time.

Mr. KYL. Mr. President, would the Chair acknowledge that the 51 minutes now is the time of 1 hour, equally divided, minus the time of Senator ALEXANDER; is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

HEALTH CARE

Mr. KYL. Mr. President, as three of my colleagues have already noted this morning, President Obama's health care law turns 1 next week, and in my view it hasn't been aging very well.

On the eve of its 1-year anniversary, I too would like to review a few key developments related to the law and its implementation and note that, at least to me, it is very clear this bill has not become more popular with Americans but decreasingly popular.

Let us go back to March 23, 2010, just about 1 year ago. That is when the President signed this health care bill into law. Later, that very day, 13 States filed a lawsuit against it in a Florida Federal court. Another 13 States have joined the suit since. In addition, Virginia filed its own separate lawsuit on the day of enactment.

May 11, 2010. The nonpartisan Congressional Budget Office revised upward its cost estimate of ObamaCare. According to the CBO, ObamaCare will cost $115 million more than originally estimated, pushing the cost of the program to over $1 trillion.

June 2010. With public opinion still decidedly against the law, a poll at that time found that 58 percent of Americans supported repeal. The Department of Health and Human Services launched a public relations campaign to try to change people's minds. Many seniors received a pamphlet from HHS Secretary Kathleen Sebelius that made claims such as:

> Your guaranteed Medicare benefits won't change—whether you get them through original Medicare or a Medicare Advantage plan.

But, of course, the pamphlet failed to mention the fact that the law cuts Medicare Advantage plans by $202 billion over 10 years, meaning higher premiums, less benefits, and fewer plan choices for seniors. The CBO estimates that the extra benefits currently provided by Medicare Advantage plans will be cut in half.

July 11, 2010. President Obama used a recess appointment to name Donald Berwick as Administrator of the Centers for Medicare and Medicaid Services, an agency that will play a critical role in the implementation of ObamaCare. The President used this procedure in an attempt to bypass the regular confirmation process before the Senate had held a hearing or voted on the nominee. The recess appointment allows Dr. Berwick to run the Centers for Medicare and Medicaid Services through the end of this year.

A hearing would have given Senators the opportunity to question Dr. Berwick about his very controversial views, including his espousal of health care rationing. He has, for example, praised the British national health care system, which routinely denies and rations care, as ''extremely effective'' and ''conscientious.''

On September 24, 2010, the Department of Health and Human Services issued its first waiver of ObamaCare provisions dealing with the limited benefit or mini-med plans. Since then, a total of 1,040 waivers have been granted, many to the administration's favored political constituencies. It seems as though they like the law as long as it doesn't apply to them.

December 13, 2010. A Federal district court judge in Virginia ruled that the law's mandate that individuals purchase government-approved health insurance is unconstitutional.

January 19 of this year. The House of Representatives voted 245 to 189 to repeal ObamaCare.

January 25, 2011. My Governor, Jan Brewer of Arizona, asked Secretary Sebelius to waive the maintenance-of-effort provision in the health care law. That is the provision that forces an unfunded Medicaid mandate on States by denying them the flexibility, the full ability to manage their own Medicaid Programs to fit their own budgets and their own unique Medicaid populations. This is a huge problem because Arizona, along with most other States, is experiencing a dire budget crisis.

January 26, 2011. Medicare Chief Actuary Richard Foster testified before the House Budget Committee. He acknowledged to the committee that President Obama's promise that Americans will get to keep their coverage if they like it is ''not true in all cases.''

January 31, 2011. Judge Roger Vinson, a Federal district court judge in Florida, ruled that the individual mandate in the law is unconstitutional and he invalidated the entire law. He concluded the law's requirement to buy insurance or pay a fee:

> . . . is outside Congress' Commerce Clause power, and it cannot be otherwise authorized by an assertion of power under the Necessary and Proper Clause. It is not constitutional.

He also writes:

> It is difficult to imagine that a nation which began, at least in part, as the result of opposition to a British mandate giving the East India Company a monopoly and imposing a nominal tax on all tea sold in America, would have set out to create a government with the power to force people to buy the tea in the first place. Surely this is not what the Founding Fathers could have intended.

On February 2 of this year, on the Senate vote to repeal the law, it failed on a party-line vote, 47 to 51. So the Senate did not follow the path of the House of Representatives to repeal ObamaCare.

On February 14, Valentines Day, the IRS submitted to Congress its fiscal year 2012 budget request. The health care bill is mentioned by the IRS more than 250 times. The IRS will have to hire thousands of new workers to implement the many new tax provisions. As the request noted, the health care law:

> . . . presents a major challenge for the IRS. It represents the largest set of tax law changes in 20 years, with more than 40 provisions to amend the tax laws.

Just to remind my colleagues and our constituents throughout this country, the health care law has more than 40 provisions, the largest set of tax law changes in 20 years.

February 22 of this year. A Clinton-appointed Federal judge ruled that ObamaCare is constitutional because the Constitution somehow permits the Federal Government to regulate what the court called ''mental activity.''

So much for keeping your thoughts to yourself.

On March 3, 2011, at the request of the Obama administration, a Federal judge in Florida, the Federal judge who had previously ruled that ObamaCare is unconstitutional, clarified his ruling and noted his continuing concern with the fact that if the law is upheld, he says, ''Congress could, indeed, mandate that everyone buy broccoli.''

I think the first President Bush would have a real problem with that mandate.

March 14, 2011, just 3 days ago. The latest Rasmussen poll shows that support for repeal of the health care law has reached its highest level since May of 2010, with 62 percent of likely voters now favoring repeal.

That is what we should do. These developments highlight just some of the reasons why the bill is so unpopular and so deeply flawed that the American people agree it should be repealed and it should be replaced with more sensible ideas.

The debate on the health care law will no doubt continue throughout this year, especially now that two Federal courts have already ruled it is unconstitutional. It would be best if we could stay the law until the Supreme Court rules on its constitutionality. States and businesses could save a great deal of money, and insurance companies wouldn't have to raise their rates. We will have a chance, I hope, to vote on such a proposal.

Some things age well with time—not ObamaCare.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. Mr. President, I rise also to speak to the issue of the health care reform bill, which my colleague from Arizona has pointed out is now seeing its 1-year anniversary. I think it is good to put in perspective the issues most Americans care about.

As I travel my State of South Dakota and elsewhere in this country, I hear repeatedly what most Americans think we ought to be focused on right now in Washington, DC; that is, the economy, job creation, spending, and debt. They believe those are the issues that are most important. I think the public

opinion polls reflect that. If we look at any public opinion poll today, generally, they are in that order: It will be jobs, the economy, spending, and debt.

As I look at what this health care bill has done—and use the metric of jobs and the economy and spending and debt and look at it on the 1-year anniversary—I think we would have to say this has been a major failure in terms of speaking to or addressing the issues the American people care the most about.

On the issue of jobs and the economy, there were lots of statements made about this when it was passed; that it was going to create lots of jobs. The former Speaker of the House, NANCY PELOSI, said, in its life, the health care bill will create 4 million jobs; 400,000 jobs almost immediately. Yet we have the CBO Director recently testifying that the new law will reduce employment over the next decade by 800,000 jobs.

So we have a piece of legislation that is going to, according to the CBO, cost us jobs in the economy. Couple that with the fact that it will raise taxes, and raise taxes dramatically on the economy, by $½ trillion in the first 10 years, $1 trillion dollars when it is fully implemented, and we see that businesses will pass those costs on to the people in this country who buy things—consumers—and, obviously, it leads to higher costs for a lot of these items.

It leads to higher health care costs because most of those taxes were imposed upon health insurance companies, on pharmaceutical companies and on medical device manufacturers and many of those costs are being passed on. One would have to argue very hard to suggest that any kind of a tax increase is going to create more jobs. In fact, historically, it is very clear that any time we raise taxes, it actually costs the economy jobs.

So we have the CBO Director talking about the loss of jobs, we have the fact that we have some massive tax increases in this legislation that will cost us jobs, and we also drive up the cost of doing business in this country because we are increasing the cost of health care for a lot of small businesses that are trying to provide coverage to their employees.

What we have seen consistently is an argument from the other side that this was going to drive down the cost of health care. Yet, again, the facts tell an entirely different story.

There was a statement made by the President: Reform will lower the cost of health care for our families, our businesses, and our government. Again, the Chief Actuary at the Centers for Medicare and Medicaid Services estimates the law will increase costs by $311 billion in the first 10 years alone, over and above normal inflation. CBO, the Congressional Budget Office, estimates the new law will increase health care spending by the Federal Government by $464 billion over the next decade. CBO estimates when it is fully implemented, the law will increase insurance premiums on a family policy by an average of $2,100 per year—increased costs of health insurance for employers and employees, which is going to cost the economy jobs. It drives up the cost of doing business in this country. All these factors in this health care legislation contribute to a loss of jobs because they make it more expensive for small businesses in this country.

If you use the metric of job creation and how this legislation impacts the economy, I think you would have to describe it as a major failure. The American people determine what is important. They have decided, and rightly so, when you have as high unemployment as we have in this country today, job creation should be the No. 1 priority of their policymakers in Washington, DC. In fact, we should be looking at policies that will be conducive to job creation, not policies that will inhibit job creation. The massive health care law that was passed last year will have exactly the opposite effect we should be striving for when it comes to jobs. We ought to be looking for policies that will create jobs. This actually will cost the economy jobs. You have the metric of job creation. If you measure the health care bill against that a year later, I think you would have to say it was a complete failure.

The issues I mentioned that also bear on what is important to Americans today, spending and debt—how does health care legislation stack up against those criteria? First, with regard to spending, we all know by now that when it is fully implemented this new health care legislation will cost $2.6 trillion, a $2.6 trillion expansion of government—literally the largest expansion of the Federal Government in the last half century. You would have to go back to the 1960s to find a time that you see the government expand at the rate we have seen in the last 2 years alone, and that is reflected in the debt and deficit figures over the last 2 years.

Since President Obama took office, the debt in this country has grown by over $3 trillion. In fact, if the budget he presented is implemented, that total debt will double by the end of the next decade. If you take a $14 trillion gross debt, almost $14 trillion—which is where it is today—if the President's budget is implemented you would see that debt double over the course of the next decade to over $26 trillion.

You have massive amounts of borrowing, massive amounts of debt, massive amounts of new spending and tax increases, all of which create an environment in which it is going to be very difficult for our economy and for the job creators to create jobs. But you have grown significantly the size of government.

How about the issue, as I said earlier, of debt? We talk a lot about the $14 trillion gross debt we have today. We have a lot of research out there that suggests when you are carrying that kind of debt load, if you sustain it over any amount of time it is going to cost you a significant amount of economic growth. In fact, there is a good body of research out there that suggests when you have a gross debt-to-GDP ratio of 90 percent or higher, which is where we are today, it costs you about 1 percent a year.

The President's former economic advisor, Christina Romer, said anytime you lose a percentage point of economic growth it costs you a million jobs. If we are losing, because of this high level of debt, a percentage point of economic growth every year, we are losing a million jobs every year as a result of that as well.

How does the whole health care debate bear on this issue of debt in the long term? I think it is important, again, to point out that many of the things that were put into this bill, that were designed to be used as offsets to pay for the bill, end up in the outyears adding massively to the deficit. I will use a good example of that, the CLASS Act, a new long-term care entitlement program which was put into this bill. At the time it was being debated it was actually described by the chairman of the Budget Committee, the Democratic chairman, as a Ponzi scheme of the highest order, something Bernie Madoff would be proud of. That is how the CLASS Act was described. That particular act, and its creation, was used as a $70 billion offset to pay for the new massive health care entitlement program.

What is going to happen, and we are finding out now more and more about this, is that particular program, although it generates some revenue in the early years, runs huge deficits when you get into the outyears because of the way the program is structured, because of adverse selection. Because of the way the program was designed in the first place you start adding massively to deficits in the outyears. Secretary Sebelius, at the Department of Health and Human Services, admitted to me in answer to a question at the Senate Finance Committee, that the CLASS Act program is ''totally unsustainable.''

During yesterday's Finance Committee hearing I asked the question about whether there was actuarial modeling done prior to the law's passage so that Democrats and Health and Human Services would have known how bad this program is, and she would not respond to or answer that question.

I asked Chairman CONRAD, the chairman of the Senate Budget Committee, for a hearing to look at these actuarial models that Health and Human Services has developed to analyze the CLASS Act. Why has she come to the conclusion that it is totally unsustainable when many of us knew that in advance? In fact, that is what CBO, the Congressional Budget Office, was saying in advance.

We have created these new entitlement programs that are going to lead

massively to higher deficits and more debt well into the future, the CLASS Act being one example of that. I suggest as well that when you create a $2.6 trillion new entitlement program, if history is any indication, that would dramatically understate what the true costs are. We have seen that historically, that whatever the estimates are about some of these new government programs, they are significantly less than what was estimated when they were created in the first place.

I would argue on the issue of how the new health care bill on its first anniversary impacts the issue of debt, we are not going to know probably for some time but I think we can get a pretty clear idea that this is going to lead to much higher deficits and much higher debt in the outyears because of the statement the Congressional Budget Office and the CMS Actuary and even now the Secretary of Health and Human Services are saying with regard to programs such as the CLASS Act—which was created under this bill.

I think the other reason you are going to see the debt and deficit explode is because of the gimmicks that were used by the Democrats to finance the health care bill. I mentioned the CLASS Act was one of those, but there were a number of other gimmicks that were used as well. There was the Medicare payroll tax increases, the Medicare cuts that are supposed to occur under this to pay for the new health care entitlement program. It was also indicated at that time they were going to extend the lifespan of Medicare. Essentially, what happened is the same revenues were spent twice; they were double counted. In other words, there was new revenue going to come into the Medicare trust fund because of increased payroll taxes and because of the reductions in spending in those Medicare accounts that allegedly would create a credit for the Medicare trust fund. Unfortunately, all those new revenues are going to be used to finance this new health care entitlement program.

Somewhere down the road, when the time comes to pay the bills of Medicare, you are going to have to borrow money to do that because of the way these gimmicks were used and the way the double counting was used, not only to credit the Medicare trust fund but also to use it as an offset for the new health care entitlement program.

If you look at the actual numbers it is somewhere on the order of $400 billion that was double counted in the Medicare trust fund and about $30 billion, I believe, was the number on the Social Security trust fund. For these gimmicks, the chickens are going to come home to roost at some point in the future and it is going to lead to significantly larger deficits and a much higher debt than we are looking at today, than what was contemplated when the legislation was passed in the first place.

Whether it is the gimmicks that were used, whether it is these new entitlement programs such as the CLASS Act, whether it is the actual cost—even estimated cost of $2.6 trillion in new expansion of government, whether it is the loss of jobs associated with the higher taxes, the higher health care premiums in this legislation, if you are going to evaluate it based upon the issues that are most important to the American people—and that is the economy, jobs, spending, and debt—on the first anniversary of this health care reform legislation, this has been already a huge failure by any objective measurement. My guess is before this is all said and done we are going to continue to see more and more of our employers having to drop their coverage, perhaps pay the penalty rather than continue to provide coverage for their employees, and push them into the government program.

I think you are going to see more and more government control, more and more influence and intervention of the Federal Government, more and more cost to taxpayers, and higher and higher health care costs for small businesses and for families and for individuals in this country. On the first year anniversary of this legislation, I think the best thing Congress could do would be to repeal it and start over with commonsense health care reforms that will actually reduce the cost of health care, that will be fiscally responsible, that will not break the bank, and that will help get us on a path where we can create jobs and get the economy growing again rather than inhibiting that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, we are in morning business?

The ACTING PRESIDENT pro tempore. We are.

Mr. DURBIN. The Democratic side is now recognized?

The ACTING PRESIDENT pro tempore. They are.

Mr. DURBIN. How much time is remaining?

The ACTING PRESIDENT pro tempore. There is 25 minutes 47 seconds.

INTERCHANGE FEES

Mr. DURBIN. Mr. President, I usually do not get up in the morning and race to read the editorial page of the Wall Street Journal. It is not part of my morning routine. I do not agree with them on most of the positions they have taken and I have found many times the statements they make are sometimes grossly inaccurate. This morning was no exception.

They printed an editorial on the issue of interchange fees on debit cards. They had some critical things to say, which is their right, and my responsibility as an elected official to absorb. I know folks on Wall Street and their friends in the press are not happy with the interchange reform which Congress passed last year. They are certainly entitled to their opinion, but they are not entitled to their own alternative reality. When I read this Wall Street Journal editorial this morning, I felt as though I had entered into some fact-free twilight zone.

Swipe fee reform is an important issue. So the people who are following this debate understand what we are talking about; each time you use a credit card or a debit card to pay for something—a meal at a restaurant, groceries, pharmaceuticals, a donation to a charity, buying gas for your car—each time you do there is a fee that is charged to the merchant. That fee is charged by both the bank issuing the card and the underlying credit card company. It is called an interchange fee.

And it is a fee that is imposed on businesses large and small all across America literally without negotiation. It is a fee that is dictated because there is little or no competition.

The Wall Street Journal probably prides itself on being the protector or defender of the free market system. There is no free market system when it comes to interchange fees. If you want to accept a Visa or MasterCard from a certain bank, you will pay a certain interchange fee every time a card is used at your establishment. What I learned in a hearing on this subject years ago is that there is virtually no negotiation in establishing these fees. And merchants came to me. The first who came to me was not a major retailer but a buddy of mine in Quincy, IL, named Rich Niemann. Rich Niemann is a very conservative man who probably reads the Wall Street Journal every day, but he has done quite well for himself and his family and his company by opening up food stores all over the Midwest.

Rich is a roll-up-your-sleeves, grassroots businessman. He said to me: Senator DURBIN, these credit card companies and their banks are killing us. The interchange fees bear no relationship to the actual cost of the transaction.

He said: You know, if somebody pays for groceries with a check, it clears the bank for pennies regardless of whether the check is for $10 or $100. If they use a debit card, which is a plastic check drawing directly out of their account to pay, it ends up we pay an interchange fee which is substantially higher; and there is nothing we can say about it.

The Wall Street Journal, the defender of the free market system, the defender of competition, has to acknowledge the reality that there is no competition when it comes to these duopolies, Visa and MasterCard, and when you consider that merchants have no voice or little voice in establishing what their fee is going to be when it is charged.

So we came to the floor of the Senate and said we need to have interchange fee reform. The measure passed, the amendment passed, by a margin of 64 votes—17 Republicans, 47 Democrats—and then was accepted in conference

and became part of the law, the Dodd-Frank Wall Street reform.

What it said was this: The Federal Reserve would analyze the current state of the market and establish what a reasonable and proportional interchange fee would be, what is fair. Since there is no competition under the current system, let's at least establish what is fair. Let's not let Visa, MasterCard, and the banks fix prices for lack of competition.

You know what the early analysis showed? The average interchange fee was in the range of 40 cents per transaction. The actual cost? The actual cost? Closer to 10 cents, maybe even less. They were charging three to four times as much over the cost of actually clearing the transaction to merchants and retailers across America, which, of course, diminishes their profitability, diminishes their ability to expand their small businesses and large alike and is passed on to the consumer.

Now, you would think even the Wall Street Journal, this bastion of conservatism and defender of the free market, would acknowledge the obvious. The obvious is, small businesses and large businesses alike are being overcharged across America by credit card companies and banks without restraint. That is not a free market that is imposing a cost.

What is it worth in terms of interchange fees, which they refer to kind of dismissively as small and not to be concerned about? What is it worth to the credit card industry and the major banks in America every month? It is worth $1.3 billion in interchange fees collected on debit cards—$1.3 billion.

So let's do the math for a minute. It is over $15 billion a year—$15 billion a year—which the Wall Street Journal wants to protect as a handout to the biggest banks and credit card companies in America. Well, be my guest, Wall Street Journal, but do not stand up and say you are defending businesses across America because businesses, large and small, are sick and tired of the noncompetitive, opaque system that currently exists they are paying for.

My amendment does not create price fixing. It places reasonable limits on price fixing that is already present in the interchange system. If you look at any bank's Web site, see if you can find how much that bank charges merchants in interchange fees. You will not find anything. There is no disclosure.

Why? Because for years the banks let Visa and MasterCard fix the interchange rates that each bank receives when its card is swiped. This means banks do not have to compete with one another on the fees they receive from merchants. They all receive the same fees no matter how much any particular bank actually spends to process a transaction or prevent fraud.

The current interchange system, the one that needs to be reformed, is a price-fixing scheme. Period. My amendment simply says if big banks are going to let the Visa and MasterCard duopoly fix fees on their behalf, the Federal Reserve should regulate those fees so they are reasonable. If a bank wants to charge its own fees to reflect the cost it bears, so be it. My amendment does not regulate that. As long as those fees are transparent and competitive, I am fine with them. But when the banks all get together, when they conspire to let Visa and MasterCard fix fees for them, that is when my amendment steps in. That is what offends the Wall Street Journal, the defender of America's free markets.

We know big banks today receive far more in interchange than it costs them to do debit transactions. They use this excess interchange subsidy for things such as ads and reward programs and executive bonuses and, certainly, for profits. That is what they do.

The effect of my amendment will be to squeeze the fat out of the interchange system. Big banks will still be able to use interchange to pay for reasonable processing costs, but they will not be able to use this interchange scheme to take excess fees out of the pockets of merchants and their customers.

Well, you might ask, is this the case in every country? The answer is, no. In other countries that use Visa and MasterCard, something interesting has occurred. Do you know what the interchange fee is on debit card transactions in Canada? Zero. No fee. Do you know what it is in Europe? It is a tiny fraction of what it is in the United States. So for Visa and MasterCard and the banks that issue these cards to argue that even reducing interchange fees will cripple them, will force them to raise fees, will cancel services they already offer, is to belie the reality that in many places in the world, unlike America, they are not overcharging merchants. They have reasonable interchange fees; in some places, no interchange fees.

Let's look at the Wall Street Journal's claim that because of swipe fee reform, we ''will soon be paying for check-writing privileges.'' Well, this is an old song. We have heard it before.

It is surprising the Wall Street Journal would repeat this argument to say that interchange reform will cause people to start paying for their checking accounts. I would urge them to read back issues of their own newspaper. Let's go back to the November 12, 2008, Wall Street Journal article entitled, ''Banks Boost Customer Fees to Record Highs.'' Well, this was long before the Durbin amendment. They were already raising fees, and they will continue to raise fees. That is why some of the banks enjoy huge profit margins and bonuses, dramatic bonuses, for the executives who work there.

They might read the opening line of that article which said:

> Banks are responding to the troubled economy by jacking up fees on their checking accounts to record amounts.

I am quoting the Wall Street Journal. They were already raising fees on customers long before this debate began. Another line in the same article says:

> The average costs of checking-account fees, including ATM surcharges, bounced-check fees and monthly service fees, have hit record highs.

That was 2008, long before our debate on the Senate floor. If the Wall Street Journal's writers cannot be bothered to even read their own newspaper, I urge them to read what the Bank of America's spokeswoman, Anne Pace, told the Associated Press on October 19, 2010. She said:

> Customers never had free checking accounts. They always paid for it in other ways, sometimes with penalty fees.

Again, this is a spokesman for the industry being brutally honest about free checking.

It astonishes me how many people simply repeat the banking industry's talking points without ever doing any fact checking. Banks always say if anybody tries to regulate them, it will lead to higher consumer fees and checking fees; and reporters print it like it is the gospel.

Hasn't anyone ever realized that threatening higher consumer fees is a great strategy to scare away any efforts at reform? It is a great tactic because it is all speculation. We cannot prove or disprove for sure what is going to happen in the future.

What we can do is look at past experience and use it as a guide. For example, we know from the last few years that banks and credit card companies have constantly tried to raise fees both on consumers and merchants as high as the market would allow them to go despite the recession. We also know from experience that competitive markets, which the Wall Street Journal should honor before they honor these duopolies involved in price fixing—competitive markets overseen by reasonable regulation are the best way to keep fees and prices at an appropriate level.

Unfortunately, we also know the current interchange system is an unregulated, uncompetitive market. That is why we see fees that are hidden, nonnegotiable, and many times higher than what a competitive market would produce.

Let's talk about the Wall Street Journal's views on how swipe fee reform will impact consumers. I do not know that the Wall Street Journal would be viewed by many, if any, as a great proconsumer publication. This morning they wanted to wear that mantle. They say it is a ''hoax'' that reform is proconsumer; then, ''as usual, the little guy is going to get trampled.''

How frequently have you turned to the Wall Street Journal to find out who is going to stand up for the little guy in America? Almost never in my case and, certainly, they have this wrong.

Some might say it is great the Wall Street Journal now appears to care about consumers. Of course, I would feel better about it if I had not read yesterday's editorial in the Journal. That is one where they said they would like to see Congress kill the Consumer Financial Protection Bureau.

This is a series. There is a recurring theme. The theme is consumers are going to lose, and merchants are going to lose, and small business is going to lose if this defender of the market, the Wall Street Journal, has its way.

Here is the reality. Consumers right now are already paying for the interchange system. In November 2009 the GAO said, under the current system, ''merchants pass on their increasing card acceptance costs to the customers.'' The Consumer Federation of America, which supports reform and opposes the repeal that is now underway, does care about consumers. That is why they exist. Here is what they said in a letter this week:

> The current interchange system is uncompetitive, non-transparent and harmful to consumers. It is simply unjust to require less affluent Americans who do not participate in or benefit from the payment card or banking system to pay for excessive debit interchange fees that are passed through to the cost of goods and services.

That quote is from the Consumer Federation of America. U.S. PIRG, Public Citizen, and the Hispanic Institute submitted testimony last month where they said:

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

They also said:

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

Make no mistake, what is at stake here—what is at stake here with the effort to repeal or delay the implementation of this reform on behalf of businesses, large and small, across America—what is at stake here is a handout to the largest banks in America and the credit card companies of more than $15 billion a year.

A bailout was not enough for these big banks. Now they want a handout, and the Wall Street Journal is standing by the sidelines applauding that notion. These defenders of free enterprise cannot wait to construct a system where the largest banks on Wall Street and the credit card giants can take more money out of our economy from small businesses and consumers alike. That is their idea of free enterprise; it is not mine.

The Wall Street Journal accuses me of pushing for swipe reform as a ''sop to Wal-Mart, Home Depot and other giant retailers.''

Well, make no mistake. Every merchant, every business accepting debit cards is going to be affected by this reform, large and small. And the facts tell us that everyone who accepts debit cards will benefit from swipe fee reform, not just big merchants but small businesses, universities, health care providers, charities, government agencies, as well as many others, convenience stores—the list goes on.

I ordered a study 2 years ago and held a hearing last year in my appropriations subcommittee on how much the Federal Government pays in interchange fees with our taxpayer dollars. The total was $116 million a year. Those who are supporting the repeal or delay of this reform are imposing additional debt on a government already deep in debt. Where will those debts be incurred? From the biggest banks on Wall Street and the biggest credit card companies, by and large.

I tried to reform the government interchange rate on my appropriations bill last year but could not get it through. I will be back.

I have been at this interchange reform effort for a number of years now. I got into it because of a hearing held by then-Republican Senator Arlen Specter. Before that hearing, I did not know or even understand this issue. After it, I decided something had to be done. I would not be doing this if it was just for the big box companies. I would not be fighting so hard for reform if it was not good for small businesses and certainly for consumers and the American economy.

I hope the Wall Street Journal is also aware that card companies such as Visa charge higher interchange fees to small business than to big businesses. How do you like that for competition? Small businesses get it the worst under the current system. Wouldn't it be nice if the Wall Street Journal stood for small business once in a while? Go look at Visa's Web site, at their interchange rates for retail debit. You will see right now the biggest retailers have to pay an interchange fee of 0.62 percent plus 13 cents a transaction, while the smallest retailers pay 0.95 percent plus 20 cents a transaction.

Dollar for dollar, interchange reform will help small businesses more than big ones. That is the reality of this reform.

I do not expect to ever be endorsed by the Wall Street Journal. I do not even know if they make endorsements, and I have not even asked. But I am going to insist they stick with the facts. I know the Wall Street Journal is not going to stray very far from Wall Street banks, which bear the same basic name, as well as the credit card companies that are a duopoly in this American economy. I am going to continue this battle for Main Street, not Wall Street.

I urge my colleagues who are being inundated—literally inundated—by banking lobbyists right now seeking to stop this reform; that when they go home, steer away from the big banks. Go to the small businesses that accept credit cards and debit cards. Go to any one of them and ask them whether they think this is an important reform for the future of their small business, their employees, and for the local economy. I think they are going to hear the other side of the story. Some of these small businesses cannot afford the lobbyists who are prowling the halls of Washington today, but they deserve our attention as much as, if not more than, the big banks on Wall Street and the card companies.

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

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

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. 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.

CONCLUSION OF MORNING BUSINESS

Ms. LANDRIEU. Mr. President, I ask unanimous consent to yield back any remaining morning business time, which I think is under 3 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

SBIR/STTR REAUTHORIZATION ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 493, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 493) to reauthorize and improve the SBIR and STTR programs, and for other purposes.

Pending:

> McConnell amendment No. 183, to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to or taking into consideration the emission of a greenhouse gas to address climate change.
>
> Vitter amendment No. 178, to require the Federal Government to sell off unused Federal real property.
>
> Inhofe (for Johanns) amendment No. 161, to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments.
>
> Cornyn amendment No. 186, to establish a bipartisan commission for the purpose of improving oversight and eliminating wasteful government spending.
>
> Paul amendment No. 199, to cut $200,000,000,000 in spending in fiscal year 2011.
>
> Sanders amendment No. 207, to establish a point of order against any efforts to reduce benefits paid to Social Security recipients, raise the retirement age or create private retirement accounts under title II of the Social Security Act.
>
> Hutchison amendment No. 197, to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits.
>
> Coburn amendment No. 184, to provide a list of programs administered by every Federal department and agency.

Pryor amendment No. 229, to establish the Patriot Express Loan Program under which the Small Business Administration may make loans to members of the military community wanting to start or expand small business concerns.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

AMENDMENT NO. 244 TO AMENDMENT NO. 183

Ms. LANDRIEU. Mr. President, I call for regular order now with respect to the McConnell amendment, which is the pending amendment on our bill, amendment No. 183, and send a second-degree amendment to the desk.

The ACTING PRESIDENT pro tempore. The McConnell amendment is now pending.

The clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 244 to amendment No. 183.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end, insert the following:

The provisions of this title shall become effective 5 days after enactment.

Ms. LANDRIEU. Thank you, Mr. President. That now puts us in order to continue the discussion of our very important bill that Senator SNOWE and I have been managing this week on the floor. I appreciate all the Members' cooperation, particularly the members of the Small Business Committee who voted this bill out 17 to 1, because they know, both Republicans and Democrats, the importance of reauthorizing this vital program—one of the Federal programs that works, one of the Federal programs that helps to create private sector jobs, one of the Federal programs that gives the taxpayer a great return on their investment.

One of the gentlemen who testified before our committee last week said for every $1 invested in this program, the taxpayers get a return of $107. That is a pretty good return on investment.

I see two of my colleagues. Senator CARDIN is a member of our committee and a very valued member of our committee, I may say. He would like to speak for 5 or 10 minutes about an amendment he thinks is important that we potentially could get included in our bill. I see Senator COATS from Indiana, who is here to speak on the McConnell amendment. I think we do not have a consent, but we will kind of go back and forth as Members come and continue to talk about some important aspects of the bill.

I yield the floor.

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

Mr. CARDIN. Mr. President, first, let me thank Senator LANDRIEU for her extraordinary leadership in bringing this bill to the floor. This is a critically important bill for our economy. It helps small businesses. It helps the economic engine of America. It helps with innovation with small businesses.

We already know small businesses will be where most of the job growth will take place. We know that. We also know small businesses are where most of the innovation will take place. When we look at patents that are filed, there are more from the small businesses per employee than we see from large companies. But in order to help small businesses be able to be innovative, the SBIR Program is critically important.

I congratulate Senator LANDRIEU for bringing this bill forward. It has received strong bipartisan support within the Small Business Committee. It provides the resources where small companies can take risks and innovate for America's future. It extends the program for 8 years, giving predictability to companies and investors, so they can go out and do what is best for this country, extending the program to 2019.

It increases the allocations available for the small business community over time from 2.5 percent to 3.5 percent. It increases the individual size of the grants from $100,000 to $150,000 in phase I and in phase II from $750,000 to $1 million. It does one other thing that is critically important. It allows small businesses to bring in venture capitalists and still be able to qualify for an SBIR loan.

For all these reasons, I strongly support the efforts of Senator LANDRIEU and Senator SNOWE and would encourage my colleagues to support the legislation that has been brought forward.

But I come to the floor, and I am going to ask consent that the pending amendment be set aside, but first let me explain the amendment I would like to offer. It is an amendment that would continue a policy that was started in 2009 to allow small businesses the opportunity to be able to get surety bonds to be able to compete on government procurement in the construction industry.

Current law requires that for all Federal and State construction projects—Federal and State construction projects—exceeding $100,000, the company must provide a surety bond. Congress established the Surety Bond Guarantee Program more than 30 years ago because they knew it was difficult for small businesses to be able to get a surety bond. The limit had been $2 million under that program. So we assisted small companies in being able to get surety bonds of up to $2 million until 2009.

As part of the Recovery Act, I offered an amendment with Senator LANDRIEU and Senator SNOWE—this was a bipartisan amendment; as a matter of fact, I do not know of any objections to the amendment—that increased the amount from $2 million to $5 million and gave the Administrator the authority to guarantee bonds of up to $10 million to permit small companies to be able to compete with large construction companies for procurement work.

What is so difficult? Well, you talk to a small business owner, and they will tell you what they have to go through with their bankers in order to get any type of financing. Then, if they try to get a surety bond, it is the same assets that the surety bond company wants them to guarantee in order to get the surety bond, putting them in a catch-22 situation, where they cannot get the surety bond and financing. They have to choose between one or the other. That is the reason why we established the Surety Bond Guarantee Program 30 years ago.

The higher limit had been in place from 2009 to 2010. The SBA had estimated they would issue $147 million in bonds in support of projects over $2 million. In March of 2010, the SBA Performance Report indicated that more than $360 million in bonds was actually issued. It has been an unquestioned success—the higher limits.

One other point: There have been absolutely no losses under the surety bond program, zero. That is why the Congressional Budget Office has given us an informal estimate that this amendment would have no direct impact on spending or revenue. This is a no-cost amendment that is strongly supported by the small business community because they know it is critically important for them to be able to compete fairly on construction contracts. It has bipartisan support.

What the amendment does is extend the limits we put in law in 2009 that expired at the end of 2010. That is the amendment.

Mr. President, I do want to make a unanimous consent request, but I understand we are under an agreement now that we cannot ask that. I am getting word from my chairman. But let me go on record to say I would request that there be an opportunity for this amendment to be offered or included. I do not believe it is controversial. It does not cost, as I said, any expenditures. It is very important for the small business community. It has bipartisan support, and I hope I will be given the opportunity to be able to offer that amendment.

With that, I yield the floor.

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

Ms. LANDRIEU. Mr. President, I wish to thank Senator CARDIN for his cooperation. He has been so patient. It is an important amendment. It is an amendment that both Senator SNOWE and I support and many other colleagues support it. We hope to get to a time, if not this week, as soon as we get back, to be able to offer and have this amendment pending so it can receive the vote I do think it deserves.

I see the Senator from Indiana, who I think wants to speak on a different amendment, so I will yield the floor.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I thank the Senator from Louisiana for arranging the opportunity for me to speak. I intended to do this in morning business, but that time was running out, so she graciously arranged time for me to speak as we took the bill back up.

AMENDMENT NO. 183

Mr. President, I wish to speak in support of the McConnell amendment that would prohibit the EPA, Environmental Protection Agency, from regulating greenhouse gas emissions under the Clean Air Act. This is nothing more than a backdoor energy tax that should be the purview of Congress to enact or not enact and not the responsibility or the authority given to the EPA.

The McConnell amendment, which is essentially the amendment language that was provided by Senator INHOFE and Senator VITTER, is patterned after the Energy Tax Prevention Act, which I have cosponsored, along with a bipartisan group of nearly 43 Senators. An identical bill was passed recently on a bipartisan basis by a House committee.

There is a growing consensus in Congress and across the country that Washington bureaucrats cannot be and should not be setting our Nation's policy on climate change. The McConnell amendment would make it clear that it is the Congress and not the Environmental Protection Agency that ought to be squarely in the driver's seat with regard to energy and climate policy.

It has become clear that the administration's cap-and-trade bill has had no chance of passing the Senate—again, because of bipartisan opposition. It is also clear that the White House has then determined they are going to try to circumvent the Congress and try to push this agenda through rules and regulations made by unelected bureaucrats. As a result, the EPA has created these new greenhouse gas regulations that are nothing more than a backdoor cap-and-trade regime. So while the administration talks about the need to strengthen the economy and put Americans back to work, these types of harmful rules that are being imposed by regulatory agencies—and specifically the EPA on climate control in this regard—are having just the opposite effect.

The reality is that not only in my home State of Indiana, which obtains more than 90 percent of its electric power from coal resources, but in States across this country that are using fossil fuels currently to generate energy, this would have an extraordinary, detrimental effect on their economies and their ability to produce the necessary power needed to run businesses and heat and cool homes.

Particularly at a time such as this, it is extraordinary that this backdoor effort by the EPA is simply throwing a major impediment in the way of the economic growth we are now starting to see after 2 years of a very serious downturn. The factories are starting to move again. Some are starting to hire. The machines are starting to turn. At a time such as this, all of a sudden, an unelected bureaucracy in this government, supported by the White House, simply says: Now is the time to attack the climate control issue. We didn't like what Congress did when they turned this down, so therefore we will take over and do it ourselves.

I have nothing against looking at ways to provide additional sources of energy that can help with our climate control, whether it is solar, wind, biothermal, biomass, geothermal, or any number of other alternatives. But these alternatives need to be cost-effective and competitive, and currently they are not.

I had the opportunity to serve in Germany as Ambassador for 4 years. During that time, I was able to pay very close attention to a mandate that was imposed by the German Parliament of switching to alternative sources, on a mandated basis, to 20 percent of the total energy being derived by a certain period in time. As a result of that, the government provided enormous subsidies to wind and solar in particular and other alternative forms of energy, which was to be financed by those industries using fossil fuels to provide energy. The results recently announced in Germany were that this is not obtainable, and this came at a considerable cost to consumers and to industries of that country.

Two things happened. No. 1, when the government provided massive subsidies to move to wind and solar, of course a lot of attention went to production of those two types of alternative energy sources, it wasn't based on a competition. It wasn't based on what it would cost the taxpayer. There was an extraordinary subsidy that had to be paid by the fossil fuel industries—namely, coal and oil and natural gas—to subsidize those sources.

The problem is, they ended up with a distorted economic picture, and ultimately the cost goes to the taxpayer and to the consumer. Basically, the fossil fuel industry producing energy had to subsidize the alternative forms of energy—namely, wind and solar—on a 5-to-1 basis, obviously raising prices to consumers and to industries using energy that was derived through fossil fuels.

The second problem was that the politics—which always happens in any situation like this—rears its ugly head, so every member of every State had to get their share of the subsidy. So we see windmills all over Germany that are not turning because the wind doesn't blow in some sections of the country, and we see solar panels being installed in places where, in the North in particular, the sun doesn't shine very much. So they have an extremely cost-ineffective system put in place subsidized by the taxpayer.

So as we look forward to alternative sources of energy, we have to recognize the realities of what we are dealing with here, particularly at a time when we are in economic distress and just trying to move into a better economic picture for the future. If we are going to impose massive taxes on industries that are providing energy to drive our factories, run our businesses and heat and cool our homes, it is going to add significant costs to employment and all of those who use that electric energy.

So these are issues that need to be debated in this Congress and with the American people and in a transparent way, rather than addressed by a regulatory agency that has no responsibility to the taxpayer, no responsibility to the consumer, and is trying not to have any responsibility to the congressional authority that governs this.

I have yet to hear of a credible alternative that can fully replace coal for electric power generation. Most of our States and particularly many of our heavy manufacturing States are nearly totally dependent on fossil fuels to run their businesses.

It seems to me that while technology can help us in the future move toward a position of having some additional forms of energy to meet our energy needs, today, the reality is we need this source of energy to run our economy. If only the EPA could recognize the reality of this situation, then maybe we could reach some commonsense agreement on how to move forward on climate control and other issues. Instead, it appears this agency is determined to shut down coal plants, costing thousands of jobs, weakening the economy, and increasing electric bills for families who are already struggling to make ends meet. The EPA's actions simply are irresponsible and exceed their authority.

So we come back to the essence of what the McConnell amendment does. It returns the responsibility and authority for energy and climate policy to the elected Members of the Congress. These are issues that impact every American and should not be determined by unelected Washington bureaucrats who have made up their minds to regulate regardless of the consequences. These decisions belong to the Congress and not to the EPA.

We need to pass the McConnell amendment. I believe it will achieve bipartisan support because our Nation's energy policy needs to be addressed by this body and not the EPA. So I urge strong support for the McConnell amendment when it comes up for passage.

With that, I yield the floor, and I again thank the Senator from Louisiana for the time that was allocated.

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

Ms. SNOWE. Mr. President, I wish to join my colleague, the chair of the Small Business Committee, to further elaborate on some of the key issues regarding the pending legislation before the Senate to reauthorize the Small

Business Innovation Research and the Small Business Technology Transfer Programs for 8 years.

When we consider what the value is of both of these programs, what it will represent to our Nation's economy during these perilous economic times is indisputable. It certainly will bolster economic growth. It certainly will bolster small businesses and innovation and put America at the forefront of new technologies, as we have seen with the examples of those who have been recipients of awards from the SBIR Program, most notably Qualcomm when they started more than 25 years ago with fewer than a dozen employees and $1.5 million in awards from SBIR. Now they are, as we know, a Fortune 500 company with more than 17,000 employees, just to cite one example. There are numerous examples certainly in my State and in the chair's State of Louisiana and all across this country, and that is the point.

This program has an illustrious history. I think it is important to note how far back this program goes. It was really inspired as a result of a White House small business conference that recommended applying the original pilot program at the National Science Foundation to a wider range of agencies. In particular, according to the National Academy of Sciences' landmark study on the SBIR Program, the recommendation was grounded in a number of facts, including evidence that a declining share of Federal research and development dollars was going to small businesses; difficulty among innovative small businesses in raising capital in a period of historically high interest rates; and research suggesting small businesses were at the vanguard of job creation, which, as we all know today is certainly the truth.

So the SBIR Program was formally established in law back in 1982, and I was a Member of the U.S. House of Representatives and an original cosponsor of that legislation. The legislation set out several goals, including to stimulate technological innovation, use small businesses to meet R&D needs, foster and encourage participation by minority and disadvantaged small businesses in technological innovation, and increase private sector R&D.

So all of that has occurred with this legislation over that period of time in which it has been part of our Nation's laws. That is why it is so important, when we reconvene after this recess, to make sure we have the opportunity to move this legislation along. It is critical because we are at a point in time in our economy where we need the jobs, we need the investments in small business.

This is not adding additional costs to the Federal budget because it is drawing from the already appropriated funds for research and development within 11 different Federal agencies that would set aside certain amounts in both of these programs for small businesses. It has broad support among a variety of organizations that are also crucial because they have been at the forefront of benefitting from these programs and understand the value of these programs and how they will bolster our economy.

I am pleased to note that we have organizations such as the NFIB, the U.S. Chamber of Commerce, the National Small Business Association, the Small Business Technology Council, and the National Venture Capital Association which, in a letter, stated that our legislation:

> . . . represents a fair compromise to ensure that America's most innovative small businesses can once again have access to existing government incentives to grow jobs by commercializing new discoveries.

Furthermore, groups that have long been at odds with these small business groups on SBIR reauthorization are now solidly behind the legislation. This is because we worked over the last 2 years during the course of drafting this legislation for reauthorization and built a compromise and a consensus on the definition of venture capital and who can participate in the program. There had been a ruling within the Small Business Administration that said it had to be individuals, which excluded a number of different venture capital backed firms from being able to participate. So we developed a consensus across the political aisle—with broad support—that ultimately brought additional organizations on in support of this reauthorization.

Most notable is the Biotechnology Industry Organization—again, talking about bringing drug therapies to market that take 10 to 15 years. They require millions and millions of dollars to develop a drug therapy and bring it to market, and the research and development and ultimately to commercialize that drug therapy treatment certainly is very costly. So to have the added benefit of venture capital investments from research and development funds that are already provided within the Federal agency is a long-term benefit for our country.

In its letter, the Biotechnology Industry Organization notes:

> [t]his bill represents a balanced approach to ensure that America's most innovative small businesses can access existing incentives to grow jobs by commercializing new discoveries.

The group also says it represents a compromise to ensure that America's small businesses remain at the forefront of global innovation. It also states that SBIR helps small biotechnology companies continue lines of medical research that might otherwise go unfunded. It will help to increase access to early-stage capital, which is a critical source of funding if we are to develop the therapies that are so important to advancing our medical systems in this country and our health care. It bolsters economic growth, job creation, breakthrough drug treatments, and therapies for patients, and it also increases America's competitiveness in the global economy.

That is exactly the intent of this program that was created in 1982, and that certainly underscores the value of this program as stated by the Biotechnology Industry Organization. I am confident this legislation represents an unprecedented compromise that will give us the necessary momentum to get this reauthorization over the finish line once and for all. This is a welcome change, after 10 temporary short-term extensions over the past 2½ years. I think the legacy of this program is making significant contributions to America's economy, and to the well-being of small businesses, the engine that drives America's economy. We depend on small businesses to create most of the jobs in America. We need to facilitate that, given the high unemployment rate—when we have had 21 consecutive months of an unemployment rate at or above 9 percent. That is the longest stretch in our Nation's history.

These two programs collectively and individually will contribute significantly to the growth of small businesses and job creation in this country. That is why there is a broad array of organizations that are supporting this legislation, because it is a testament to its history of success.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I see we have several colleagues on the floor, and there is another coming down to speak on an amendment. I thank Senator SNOWE for her explanation of some of the compromises and changes and modifications the two of us worked on with our committee members over the last 6 years to bring a bill to the floor that has bipartisan support. I thank her.

One telling chart I want to put up before yielding to the Senator from Vermont, who wants to speak on an amendment, is very interesting. It talks about job creation and the importance of this program. One report that looked into this program between 1985 and 1995 said that SBIR-awarded firms added an average five times as many employees as comparable firms that did not receive SBIR funding.

Again, this is the Federal Government's largest program. Amazingly, it doesn't cost the Federal Government any more money because it is research and development dollars that are already set aside for the purpose of research and development. It makes sure that small businesses have access to these dollars.

When we do provide that kind of access, which this bill does, these grants and contracts go to companies that not only produce great technology but hire workers. I wanted to put that into the RECORD. I have other things to put into the RECORD as well.

I see Senator SANDERS, the Senator from Vermont, on the floor.

At this point, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, it was my intention to offer a modification of the amendment I offered yesterday on Social Security. Given the parliamentary situation right now, I can't do that. I intend to do that as soon as I can.

Mr. President, the original Social Security protection amendment that I introduced earlier would have prevented Congress from cutting Social Security benefits, raising the retirement age or privatizing Social Security without the affirmative vote of two-thirds of the Senate and the House.

I introduced this amendment because I strongly believe that Congress should not be able to cut the hard-earned Social Security benefits of current or future eligible recipients without a super-majority vote in both the Senate and the House, and I continue to hold those views.

I have heard from some of my colleagues—colleagues who strongly support protecting Social Security—that adopting this amendment would have the effect of changing the rules of the Senate and establishing new precedents. While I do not share those views, I have listened to my colleagues' concerns and worked with the majority leader to modify this amendment.

As a result, Majority Leader REID is a cosponsor of this modified amendment. There is not one Senator or Member of the House who is more committed to protecting Social Security than Majority Leader REID and I thank him for his leadership on this issue.

The Sanders-Reid amendment expresses the Sense of the Senate that, as part of any legislation to reduce the Federal deficit, Social Security benefits for current and future beneficiaries should not be cut and that Social Security should not be privatized.

The Sanders-Reid amendment makes it clear that Social Security has never contributed one dime to the Federal budget deficit or the national debt.

The Sanders-Reid amendment makes it clear that Social Security currently has a $2.6 trillion surplus that is projected to grow to $4.2 trillion in 2023.

The Sanders-Reid amendment makes it clear that it would be absurd to be discussing Social Security within the context of deficit reduction.

Let me repeat what I said yesterday. Social Security has not contributed one nickel to our deficit, and it makes no sense to conflate the serious problems of our deficit and national debt with Social Security. That is not an accurate projection of reality.

As I think we all know, in 1983, Social Security did face a crisis. Within a 6-month period of that point, it would not have been able to pay out benefits it owed to eligible Americans. Today, Social Security can pay out all benefits owed to all Americans who are eligible for the program for the next 26 years.

I will speak more about this issue. I wanted to inform my colleagues that we intend to modify the amendment we have offered. We will do that when the parliamentary situation allows us to do that.

I thank the Senator from Louisiana for allowing me to say a few words.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I want to talk for a while on the Hutchison amendment which says that, while the health care reform bill President Obama and the majority passed last year is going through the courts, any related provisions would be put on hold until the courts decide whether the law is constitutional.

This is an important amendment because States and private companies are being forced to spend a lot of money putting programs into place that may not have to be put into place if this bill is indeed struck down as unconstitutional. During the health care debate last year, I raised a constitutional point of order against the individual mandate because, frankly, I believe strongly that it is unconstitutional. A few of the courts around the country have agreed with me and ruled that it is unconstitutional. Unfortunately, that constitutional point of order was voted down along party lines. There is still a very good possibility—and I am hoping the courts will see it this way—that this bill will be struck down as unconstitutional because there are no ''severability clauses'' in the legislation. In other words, if one part is found unconstitutional, the entire bill is unconstitutional.

The individual mandate is the place most people are focusing on. If that is struck down as unconstitutional, the whole bill will come down. Yet States, with all of the programs and exchanges they have to set up, will literally be spending hundreds of millions of dollars trying to comply with a law that may be unconstitutional. We should not have them go through that. We should actually have an expedited procedure to go through the courts and put everything else on hold so we can determine whether this law is constitutional.

Let me talk a little bit about some of the problems we are seeing with the health care bill. First of all, we know it is raising premiums. It was promised that the average premium in the United States would go down by about $2,500 per year.

I will give you one quick anecdote I heard yesterday. I was on the phone with one of Nevada's largest employers, Steve Wynn, of Wynn Resorts. He is known to be probably the most union-friendly, the most employee-friendly employer in the State of Nevada. He has been for years. His employees love him. He pays well and offers good benefits. He told me yesterday they did a study from 2005 to 2010 of their health care costs. They increased, on average, about 8 percent a year. This year, he said that, specifically because of this health care bill, their increase was 12 percent. That is a 50-percent increase in the rate of growth of their health care costs.

What did that mean to the average employee who works for Wynn Resorts? Wynn Resorts shouldered a lot of the costs, but the economy in Nevada is pretty tough right now. It is tough on employers, so they passed some of those costs to the employees. It means an additional cost of $900 a year to the average employee who works for Wynn Resorts. This is a story I have heard repeated across Nevada over and over again.

Two-thirds of our economy is driven by consumer spending. If you take $900 out of the pockets of the average employee in my State—and I am sure that is being repeated across the country—that is less money people have to spend to encourage economic growth.

We know that this bill was over 2,000 pages. Very few people, if any, have read it. If they did read it, I can guarantee you that almost no one understood it, even the people who wrote it. This bill now has over 6,000 pages of regulations which, once again, are incredibly complex. Unless you are a large company that has experts and lawyers who can search through this law to figure out what it means to you, it is very difficult to understand.

There was over $500 billion taken out of Medicare. It wasn't taken to shore up Medicare; it was actually taken out to create a brand new entitlement program. This health reform law takes $500 billion out of Medicare and puts it toward a new entitlement program instead of shoring up Medicare and making Medicare a better system.

There were also hundreds of billions of dollars in higher taxes in this bill. Sure, the majority passed it. They said it was just the health insurance companies they were going to tax, and just medical devices were going to be taxed. There were 11 new taxes in this health care bill, which is one of the reasons I opposed it.

Here is a real-life example of what those taxes mean to patients and those developing future cures. One company produces an extraordinary device for people who have uncontrollable seizures—epilepsy is a common name for that condition. One of the treatments developed by this company to treat epilepsy is an electronic device that helps reprogram the brain. It is implanted in the brain: instead of a pacemaker for the heart, it is like a pacemaker for the brain. It is an expensive device, which costs over $20,000. The company that makes this device puts most of the money they make back into research and development so they can make better devices. Because of this new tax, they are not going to have nearly the same resources to put back into R&D to develop better products and help more patients in the future. If we had not had this device in the first place, many people who have completely uncontrollable seizures would

not have had this help. With this device, over half of those people are actually able to control their seizures. No other medication works for them. Half of them are able to control their seizures because of this device.

These are the types of things in this bill that are doing damage to our health care system, which is by all accounts the finest health care system in the world. The biggest problem with this health care bill is that it didn't go after the No. 1 problem we have in health care: the cost. Health care is too expensive in the United States. Even though it is of the finest quality, it is too expensive. We should strike down this bill as unconstitutional, or repeal it. Then, we should start with a health care reform bill that goes after the true problem in health care, and that is the cost.

What can we do about the cost of health care? We should absolutely do something that many States are already doing; the State of Texas is a good example of where it has been successful. We should change our medical liability laws, to rein in out-of-control trial lawyers across the country who are driving up all our health care costs. We know doctors prescribe all kinds of unnecessary tests just to cover themselves in case of a lawsuit.

When good medical liability reform bills are put into place, the true victims of medical malpractice actually get compensation because there are not as many frivolous lawsuits clogging up the courts. The other thing that happens is the cost of medical liability insurance and the cost to our health care system goes down.

The Congressional Budget Office reported that there would be approximately $70 billion to $80 billion in savings over the next 10 years if we enacted medical liability reform. I think that estimate is very low, but the number is not insignificant.

There are many other things we can do to create a health care reform bill that brings down costs. First of all, we need to put the patient back at the center of the health care universe. Today we have what is called a third-party payer system. The person receiving the care is not the person paying for the care. We need to put the person who is receiving care back with, what is known as, skin in the game. Then, they will start talking with their doctor and their doctor will talk with them. This can be done through health savings accounts.

Health savings accounts combine a high-deductible policy with a health savings account that either an individual's employer contributes to or the individual contributes to, and the individual actually negotiates with their doctors. The beautiful part about that is that they do not have to worry about a gatekeeper. Anybody who belongs to an HMO knows they have to go to a gatekeeper before getting to a specialist. If it is your money, you can go to any doctor you want, and the doctor has to be accountable to you because it is your money.

If we had over 300 million people in the United States shopping for health care, then market forces would drive down the cost of care and bring up the quality. Unfortunately, the government already controls most health care in the United States. The government pays almost 60 percent of total bills. When we add it all up, about 60 percent of the bills are paid for by the Government of the United States. The government already controls health care. That is the reason we continue to see costs in health care skyrocketing over many years, until recently when the costs are going up even faster.

This health care reform bill that passed last year—some people call it ObamaCare—is actually making the situation worse, not better, for the health care system in the United States.

I believe strongly that the Hutchison amendment, which would freeze any implementation of the health care bill until it is decided in the courts whether it is constitutional, is a vital amendment. It will make sure that States and private sector companies do not waste a lot of money complying with a bill that might be struck down as unconstitutional. This is money we cannot get back. Once it is spent, it is gone. We cannot get that money back.

We already know how many States are struggling with their budgets right now. We see what is happening in Wisconsin, Ohio, and my State of Nevada. It is happening all over the country. We need to put this bill on hold until we know whether it is going to be ruled constitutional.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Colorado is recognized.

Mr. UDALL of Colorado. Mr. President, I rise to speak on a matter that is a real concern to me and many in this body but, most importantly, to the citizens of this country. It has to do with efforts to climb out of this long recession. There are still pockets of the United States—the Presiding Officer's home State, my State—that feel as if we have not made any progress. When I talk with business owners in my State, I know they are still weathering the storm, looking to invest in a down economy, and they want to start hiring again. That is why I am glad we are, once again, debating a small business bill and that I have a chance to reintroduce the bipartisan Small Business Lending Enhancement Act as an amendment.

I have to say, this is a little like ''Groundhog Day.'' I am looking at my friend from the State of Louisiana. In October of last year, a report by the New York Federal Reserve said three-quarters of small businesses looking for credit last summer were turned down or received only some of the financing they requested.

In this report from the Federal Reserve, they stated: ''Reports from small-business owners of a credit gap have been both vocal and frequent.''

We in Congress have decided to act on and try to extend additional credit to small businesses because more credit means additional growth and, therefore, increased job creation.

Unfortunately—I should say ''fortunately'' we created a $30 billion lending fund for banks. The unfortunate part of that is we did not simultaneously allow credit unions to do more. Since that time, banks have been reducing credit availability. Even after receiving $30 billion of taxpayers' money in last year's Small Business Jobs Act, banks still are not meeting demands for small business loans.

I am still very committed to taking the commonsense step to allow credit unions to increase the amount of money they can lend to small businesses. I, once again, introduced the Small Business Lending Enhancement Act, which would open additional credit to small businesses without costing taxpayers a dime. Let me say this again—without spending a dime of taxpayer money.

We have to acknowledge credit unions know the small businesses in their communities that need loans to expand and hire. The credit unions have money to lend to those businesses. Right now, Federal law limits the amount of small business loans a credit union can extend to 12 percent of their assets. Nearly 350 credit unions, accounting for approximately 60 percent of all business loans subject to the 12 percent cap, are facing their cap and will have to dramatically slow their business lending.

It is hard for me to believe the government is telling these financial institutions they cannot help create jobs in their local communities. That is why my amendment would double the amount of money credit unions can offer small businesses.

We all know these small business owners. I wish to touch on two stories. I was particularly compelled by a small businesswoman in Colorado by the name of Stacy Hamon. She is a small business owner in Thornton, CO. She started her own business, 1st Street Salon. She initially went to a bank for a loan and was turned down because credit was in short supply. To make her dream of owning her small business come true, she went to her credit union, and they gave her the loan she needed through a second mortgage on her home.

The success story of Stacy unfolds in pretty dramatic and wonderful ways. When I visited her, she had plenty of business and even hired more workers. These are real American jobs and a shining example of economic expansion that would not have been possible if it were not for a credit union stepping up and offering her a loan.

Another Coloradan, Lisa Herman of Broomfield, e-mailed me her success story of securing a credit union loan to expand her business. She is co-owner of

Happy Cakes Bakeshop in Denver's Highland Square neighborhood. She has been in business since 2007. Despite the troubled economy, her business blossomed. Her revenues were up 27 percent by the summer of 2009. She is booking 20 weddings a month and had to expand her retail operations and move into a new shop.

Same story: When she wanted to secure a loan through a traditional bank, it did not happen. It did not pan out. But a local credit union was able to provide her with a loan for her to grow her business. That meant more business and more jobs for her community. That is the American way.

Banks and credit unions are competitors. They do not always get along. But this is not about them. This is about small business. For perspective, credit unions today only represent 4.5 percent of all business loans at depository institutions. If we take this commonsense step I am proposing and double small business lending by credit unions, it would still leave 91 percent of the small business market to banking institutions. Again, this is a smart, no-cost way of increasing lending without drastically changing the composition of the small business lending market.

Since some of my colleagues I know have been visited by folks who do not want credit unions to lend more to small businesses, I wish to make one thing clear. Credit unions have been making small business loans since their inception in the early 1900s. That is 100-plus years ago. It was not until 1998 that there were any limits whatsoever on what they could loan. That means, for 90 years, credit unions were free to help small businesses in their communities without the Federal Government necessarily getting in the way. That meant uninhibited small business support, growth, and job creation. But right now, the Federal law, whether initially intentioned, is keeping these jobs from Americans who are out searching for work.

It is estimated that the average credit union small business loan is approximately $220,000 and that each $92,000 in additional lending on the part of the Nation's credit unions will create one additional job. In the next year, I am going to say when we adopt this concept, credit union business lending could increase to over $10 billion, which conservatively would create 100,000 new jobs. All we have to do is increase the statutory cap on credit union business lending.

I wish to state again for the record: These small, simple statutory changes would not cost taxpayers a cent, but they would dramatically increase the capital available to small businesses to help make payroll, buy inventory, expand, and innovate.

Moreover, the proposed statutory changes are safe and fully supported by the National Credit Union Administration, which is the credit union regulator. They are the product of an agreement reached last year by the Senate Banking Committee and the Treasury Department.

As I begin to close, I wish to note all the organizations that support increasing credit union small business loans: Americans for Tax Reform, the National Association of Realtors, the National Small Business Association, the National Association of Manufacturers, the Heartland Institute, the Competitive Enterprise Institute, the League of United Latin American Citizens, the National Cooperative Business Association, National Farmers Union, the Hardwood Institute, National Council of Textile Organizations, and many others.

I urge my colleagues to do what is right and let's finally fix this unnecessary Federal limit on small business loans and support a small, focused, bipartisan amendment to increase job growth and support for our local small businesses.

I believe my amendment is at the desk. I ask unanimous consent that the pending amendment be set aside and that the Udall amendment No. 242 be called up and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. Yes, I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. UDALL of Colorado. Mr. President, if I may ask my colleague, through the Chair, the nature of the objection given that this would be so important to expanding business opportunities when our economy is in a troubled state.

The PRESIDING OFFICER. The senior Senator from Louisiana is recognized.

Ms. LANDRIEU. I am happy to report and respond through the Chair that a Member of the Senate has put a hold on parliamentary procedures that would allow us to move forward on any amendments, the Senator should be aware. So we are unable, at this time, to have his amendment pending. I am personally happy he came down to speak on the amendment. There are other people who feel strongly about that issue as well. I hope the Senator understands we are not able to take up his amendment at this time.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I know the Senator from Louisiana has an interest in the possibilities of this legislation. I also see my colleague from Maine, who has graciously joined me in cosponsoring this important bill and, as well, understands the way in which we would trigger innovation, lending, and job creation. I thank her.

I yield the floor.

Ms. LANDRIEU. Mr. President, I might note that Senator JOHNSON's committee has jurisdiction over the amendment Senator UDALL spoke about. The Banking Committee has the jurisdiction, not the Small Business Committee, which is one of the concerns I have.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I want to rise in support of the comments as well as the initiative of the Senator from Colorado, Senator UDALL, because I think this is a critical way to create jobs in America—by lifting the member business lending cap at credit unions. As he indicated, there was a historical norm of no cap on small business lending—or business lending—that could be done by credit unions in this country. I am very pleased to join him in this effort. Hopefully, we will have the opportunity to consider this initiative here on the floor. It deserves it.

At a time when government essentially has exhausted all of its options to create economic growth and jobs, this is one demonstrable way in which we can create jobs in America and also have a massive infusion of capital at no cost to the Federal taxpayer, at no cost to the Federal Government.

As the Senator from Colorado indicated, for 90 years there was no cap. In 1998 the Congress decided to impose a cap of 12.25 percent on business lending that could be done by credit unions. We want to raise that cap to 25 percent to inject more than $10 billion of new capital in our Nation's economy. It could create, potentially, as the Senator indicated, 100,000 new jobs within its first year, including some 1,000 jobs in my own State. We are a small State—Maine. We have 1.3 million people, and more than 600,000 Mainers are members of credit unions.

Credit unions play a pivotal role in our State and our Nation's economy. They are on the front lines each and every day in our small communities, serving their members and local businesses. One of the greatest handicaps and hardships right now for small businesses, as demonstrated by a recent survey by the Federal Reserve, is that three-quarters of small businesses looking for credit last summer were turned down and received only some of the financing they requested.

Small businesses are on the front lines of our economic recovery. They are the innovators and the job creators, the driving engine of the Nation's growth and prosperity, yet they are not getting the access to capital that is necessary to create jobs and to make the investments in their companies and firms that will stabilize the economy. So it is indisputable about the value this legislation would represent in terms of helping small businesses have access to that capital.

Credit unions have been making business loans since their inception, for more than 100 years. They provide the essential capital in small communities. They understand the importance of lending to creditworthy customers, they understand the nature of their communities, they know their members and can make a difference in so

many businesses as well as in the local communities. We know that in the past they have demonstrated responsible underwriting practices and strong management. They have money to lend—at a time when capital is much needed.

At a time when we are struggling to find ways to create jobs, this is one sensible solution to that approach. Frankly, I am very disturbed about the inability of our economy to create the kind of jobs Americans deserve. As I said earlier, as of January this year, we have experienced 21 consecutive months of unemployment at or above 9 percent, which is the longest stretch in the recorded history. The second highest was back in the early 1980s. But if you think about the jobs that were created last month—one of only 3 months in the last 2 years in which 200,000 jobs were created, at that rate it would take 8 consecutive years to achieve the pre-recession unemployment level of 5 percent. We would have to create more than 300,000 jobs every month over the next 2 years to reach a 7-percent unemployment rate. In the month of January only 36,000 jobs were created.

We have a long way to go. While the net unemployment rate, as it stands today, is 8.9 percent, in all reality—as an article indicated yesterday in the Washington Post—it is closer to 10.5 percent because of so many discouraged workers that have left the workforce. In this initiative, we have an important, effective, responsible way of putting money into the communities, allowing the credit unions to lend to creditworthy customers and businesses, the same entities that will help drive this economy into recovery.

We depend on small businesses. They are the ones that are going to make it happen. That is why I want to commend the Senator from Colorado for offering this initiative. It is vitally important. I hope we don't defer the consideration of this legislation in this Congress, that we have the opportunity, when we return from this upcoming recess, to consider it and to vote on it.

I also wish to give a few other facts that I think are important to illustrate the value of these loans in the community. The Treasury Department found that 25 percent of credit union member business loans were made to members with household incomes of less than $30,000 and that these loans totaled 13 percent of the outstanding member business lending balances. Another 20 percent went to households with incomes reported to be $30,000 and $50,000. So we are talking about middle-class America. We are talking about mom-and-pop operations and households that otherwise would be denied access to credit. We know that. We have heard it chapter and verse. I have heard it anecdotally from so many businesses in my State and across the country. We have heard testimony before the committee about the inability of so many small businesses to gain access to credit.

Banks have decreased lending, for all practical purposes, to small businesses. That is why we have to do everything we can to enable these firms to access credit and loans that will allow them to stay in business and to sustain their operations in these very difficult times.

Again, I want to thank the Senator from Colorado for offering this initiative, and hopefully we will have the opportunity to consider it and to vote on it because it is one way of stimulating job growth. I think that is indisputable based on the track record of the previous lending that has been done by the credit unions. This is one opportunity we should be able to have in making sure small businesses have access to capital that will allow them to continue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank the Senators for their discussion of that amendment. I wish, before Senator UDALL leaves, to correct one thing for the record.

As the manager of the Small Business Innovation Jobs bill, which the Senator was so helpful to us in passing, we did ask the credit unions if they wanted to be a part of that lending program and they declined to participate. So I wanted, for the record, for that to be clear.

I do know—and let me speak for myself—that credit unions serve a valuable role in our Nation today, and we want to acknowledge that. But I want the Senator from Colorado to know that, according to the information I have been given, they were asked if they wanted to participate in the Small Business Lending Fund, and they declined. They may change their mind later, and we can amend that program later should they so decide. But I thank the Senator for his comments.

I see the Senator from Georgia is on the floor, so I will yield my time. I think he wants to speak on a different amendment, but I think that is the purpose of this morning's discussion.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Georgia.

Mr. ISAKSON. I thank the Senator from Louisiana, and I look forward to being in New Orleans this weekend, I might add. It is a great State and a great city.

Madam President, there is a pending amendment by Senator HUTCHISON dealing with medical waivers, which prompts me to come to the floor for a minute and talk about that issue as it affects Georgia today, and in particular to talk about it in the context of what our Governor and legislature are having to deal with right now in terms of the mandates of the health care bill signed on March 23 of last year by President Obama.

In fact, on the signing of that bill, there were a couple of statements made, reflecting back on that long debate, and I want to repeat them right now. One was made by Speaker PELOSI, saying about a month before the House passed the health care bill, that you had to pass it to find out what is in it. That was a funny statement at the time, but it became prophetic as we are beginning to discover over and over the unintended consequences of the legislation on our States and on medicine.

Secondly, Vice President BIDEN declared the magnitude of the impact of the health care bill. That magnitude is turning out to be higher cost, less benefit, and more regulation on our States.

In particular, I want to bring two points up to talk about why this whole issue of medical waivers is so important. Our insurance commissioner, Ralph Hudgens, has submitted to CMS for a waiver on the medical cost-benefit rule in terms of benefits paid on policies, taking it up to 85 percent. That mandate in the health care bill is going to force not better coverage but less coverage by our insurance companies in Georgia because they will leave when they cannot meet it.

It is the intention to regulate the amount of benefits paid. But the application means companies that can't meet it by the time set in the bill will leave the State. So instead, you will have less of what was promised rather than more. You will have less available choice and more people forced to a single-payer system in the government operated through an exchange.

This prompts me to talk about the second issue going on in Georgia. Our newly elected Governor, Governor Nathan Deal, is trying to deal with a mandate on setting up the State exchange that will be available to operate by 2014, in a period of time where the public wants no part of the national health care bill and wants to wait on a Supreme Court ruling on June Vinson's opinion from Florida.

I come to the floor to say these medical waivers are important. States are having to ask for them because of the impact of the overall health care bill that was signed on March 23 of last year. If some relief doesn't come, we are going to have some cataclysmic events. One will be the impact on employees and small businesses, which is what this bill is all about.

I ran a small business. I had independent contractors for whom under ERISA you could not provide health insurance. I tried my best to get this Congress and this President to consider an associated benefit program approval so we could have people, such as those in my profession, assemble together and form large risk pools so they could compete for insurance, the same as major companies and States do. That was rejected instead for an exchange and for a simple system that says small businesses must provide health insurance to their employees, but if they do not provide it, they will pay a modest fine that is much less than the cost of the insurance. That one statement and rule alone forces people in

small business to leave health care coverage from an insurance carrier, getting it through their employer, and instead they are forced to go to a government exchange where choice is limited and mandates are many.

I want to commend the distinguished chairman and ranking member of the Small Business Committee for the effort they are making on this bill, but also commend Senator HUTCHISON on the importance of considering the volume of these waivers being filed; why are they being filed, and are they an early warning for what will happen to us when this bill goes into effect if we don't take the ObamaCare legislation and commit drastic surgery or, better yet, start over and build a system that works, where we have the private delivery of health care and a minimum of government interference.

I thank very much the chairman for giving me the time to speak.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Louisiana.

Ms. LANDRIEU. I thank the Senator from Georgia for coming to the floor to participate in the debate. I have a different view on the amendment he spoke on, but we will continue that debate. In fact, we have been debating health care policy in this country for the last 2 years. While I appreciate his views, I am hoping we get to keep the debate very focused and specific, if possible. But I understand the amendment of Senator HUTCHISON, and the amendment Senator ISAKSON supports does affect small business, so we look forward to more comments as we go forward.

Madam President, as we wait to move to the CR—which under unanimous consent I think we are moving to in a few moments, so we will be off the debate on this bill—I want to submit for the RECORD some of the data associated with job creation.

I know Senator SNOWE is very sincere in her comments about the lack of job creation in the country, and I want to say I agree with everything she has said in terms of the rates of unemployment being very concerning. That is why she and I have spent so much time in the committee trying to look at the array of bills we have, at least in our jurisdiction, and see what we can do to help change the outlook. I am very proud to say we have, I think, in large measure contributed in a positive way.

But for the record, in terms of job numbers, because I don't think President Obama and his administration get the kind of credit I think they deserve, and frankly, the Democratic leadership doesn't get the credit it deserves for turning around a desperate situation, I am going to submit these numbers for the record, but I will also have a chart later because I think it is important for people to understand. I want to throw a few of these numbers out. I am sorry I do not have this chart clearly reproduced at this point, but I am going to give you a couple of numbers.

In January of 2009, this country lost 820,000 jobs, in that 1 month. In that 1 month, we lost more jobs, according to this document I am looking at, than any month probably in the last 10 or 15 years. I am going to go back and check.

I ask for 1 more minute? I do not see Senator INOUYE. I am going to actually ask for 2 or 3 more minutes until he gets to the floor.

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

Ms. LANDRIEU. That is the highest number of jobs lost in years, and I will tell you exactly how many. The point is, President Obama was not the President in 2009, January of 2009; he was just sworn in in 2009. He was elected in 2008. So the job losses of a year before, which started February of 2008, which was the beginning of the recession, before President Obama was sworn in—we lost 83,000 jobs; in March, 72,000; in April, 185,000; in May, 233,000; in June, 178,000; in July, 231,000; in August, 267,000; in September, 434,000; in October, 509,000; in November, 802,000; in December, 619,000; and then in January, the month he got sworn in, we lost 820,000. I understand people have different views, but to blame a President who was not even in office for this recession is wrong and it is not fair. That often happens. It does not happen from my ranking member, but it does happen from others around here.

In addition, that terrible loss of jobs continued as Wall Street collapsed, fat cats ran off with the money, people's Social Security and 401(k)s—not Social Security, thank goodness, but 401(k)s tanked, public pension funds that people are screaming about, that something is wrong with them—yes, a lot is wrong with them. The Wall Street greed, unparalleled in the history of this Nation, sunk so many of our pension funds—not necessarily the fault of Governors or legislators or employees themselves—and there is some underfunding opportunity, I would say, there. I know something about this. But the big culprit was the collapse of the market which was started before this administration.

These numbers continue: 500; 300. What is happening this year, 2010? It is starting to reverse. Yes, ma'am, it is starting to reverse—in March, a plus of 192,000; in April, a plus of 277,000; in May, a plus of 458,000; in October, a plus of 171,000. I could go on.

The point is, it is not all gloom and doom. There are some things that are working. We need to keep working together. That is why Senator SNOWE and I are on the floor.

I see Senator INOUYE coming. It is time to go to the CR. But we are working together the way our committee has had a tradition of working to try to take a bill here, a bill there, putting good programs in place, putting new ideas in, thinking outside of the box, because we all have to do the best we can to get this economy moving again.

I wanted to say that for the record, to submit this data.

I see the chairman of the Appropriations Committee, and I believe at this time, Madam President, I will yield the floor and we can proceed to the next order of business.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2011

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.J. Res. 48, which the clerk will report.

The bill clerk read as follows:

A Joint Resolution (H.J. Res. 48) making further continuing appropriations for fiscal year 2011, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will be 3 hours of debate equally divided between the leaders or their designees.

The Senator from Hawaii.

Mr. INOUYE. Madam President, I rise to discuss H.J. Res. 48, a short term continuing resolution designed to keep the Government open through April 8th. If the Senate passes this resolution it will be the sixth short term continuing resolution this year. With its passage we will be more than half way through the fiscal year and still operating without a budget.

H.J. Res. 48 would fund the Government for an additional 3 weeks and would reduce the rate of operations for the Federal Government by an additional $6 billion. If adopted, we would be operating the government at a rate that is $51 billion below the amount requested by the administration for fiscal year 2011.

At this level, our spending on security programs will be $30 billion below the president's request and $21 billion lower on domestic spending. I would also point out to my colleagues that this is $31 billion below the so-called Sessions-McCASKILL level which every member of the Republican caucus voted for last year.

The aggregate amount in this short term CR is the level proposed by the President as a compromise with the House Republicans and it is the same amount that was included in the amendment which I offered as an alternative to the House continuing resolution last week.

By agreeing to this level, the Senate will be $6 billion lower than current spending levels, but no lower than the President has recommended.

While several of my colleagues have complained that we simply have not cut enough Government spending, most of our subcommittee chairmen, and many Members of the Democratic caucus are beginning to think that we have already cut too much.

I believe the disparity in views can be partially explained by the information described below.

Recently the Center on Budget and Policy Priorities released a report which notes that in comparing appropriations funding levels, the appropriate measurement should be expressed in inflation-adjusted dollars, normally referred to as real growth.

The Center's point is that the cost of Government operations increases each year by inflation. One cannot ignore the fact that if the price of goods and services rise by 1, 2 or 10 percent, the Federal Government's cost in providing those goods and services also increases by this rate.

When we fail to consider the effect of inflation on Federal discretionary programs in viewing spending rates, we are not accurately reflecting what it costs to run the Government. If utility prices are increasing by 5 percent, and if we don't budget the extra amount, we are forced to cut other programs to pay for the fact of life increase in our utility bills.

Longevity increases paid to civil servants and military pay raises are also fact of life increases that we cannot ignore. These bills have to be paid even if we aren't budgeting for their increased cost.

And. if we aren't basing our funding decisions on real costs, adjusted by inflation, we are in fact forcing Government to cut the services it provides even when it receives the same funding level as in the previous year. This isn't a political talking point; it is a mathematical fact.

The report from the Center on Budget and Policy Priorities measures the impact of inflation on the cost of Government. By its calculation using the CBO baseline, real spending approved for fiscal year 2011 to date is $34 billion lower than what was provided in fiscal year 2010, a cut of $18 billion in real security spending and $16 billion in domestic spending.

With this amendment we will be cutting domestic spending by another $6 billion in nominal terms, but more than that in inflation adjusted dollars.

Democrats have been chastised for only cutting $10 billion from fiscal year 2010 levels.

I would note that even in that comparison, which fails to take into account many fact of life increases, we should all understand that domestic spending is being cut by more than $14 billion, while security spending is slated to increase.

Furthermore we are now halfway through the fiscal year. Agencies have spent on average 50 percent of their funds. Each dollar we reduce at this time has the effect of doubling the cut made in programs for the rest of the year.

Our subcommittee chairmen recognize the difficulties that this level of spending will create for the programs they oversee. Accordingly, many of my colleagues on the Appropriations Committee are saying enough is enough, while those who are not as familiar with the details of budgeting complain that we should be able to cut spending more.

I ask the Senate to consider one more measurement. For domestic discretionary spending the total available for the whole year after the passage of this bill will be $400 billion. In FY 2010 we had $413.6 billion for these purposes. For nearly the entire first half of this year we were spending funds at a rate of nearly $410 billion.

Since the year is halfway over, approximately half of the $140 billion—or $205 billion—has already been allocated. In general, that means we will only have approximately $195 billion to cover the cost of operations for all of our domestic agencies for the rest of the year.

This rate of spending for the rest of this fiscal year is $23.6 billion below the rate we spent last year. And when we compound this, recognizing that inflation has increased the cost of operations for domestic programs by $16 billion a year according to the center on budget and policy priorities, we see that effectively for the remainder of the year we will be asking our agencies to operate at a rate which is $39.6 billion below what we gave them for the same level of goods and services that we supported last year. In real terms even under this short term CR, we will be requiring our agencies to absorb more than a 9 percent reduction in spending compared to a year ago.

Agreeing to a cut of this size this late in the fiscal year will be challenging for our agencies to manage. I believe our subcommittee Chairmen recognize this reality and it is why most of them are concerned that the level of cut that we are agreeing to is already deeper than is prudent.

Finally, I want to point out to everyone who is listening exactly where we are, and what we are really talking about in trying to conclude our negotiations on spending for this fiscal year. Those who talk about $3.7 trillion in spending and billions in unneeded funds are not dealing with the reality of this continuing resolution.

What the decision comes down to is this. After this resolution passes, our domestic agencies will have approximately $195 billion to meet all their needs through the end of the year.

This covers the salaries of people who monitor our food supplies, of our air traffic controllers who keep U.S. airspace safe, of our customs officials and U.S. Marshalls who monitor our borders. It includes the cost of all of our programs to support education from kindergarten through college, of those who ensure that our social security benefits are paid, and of thousands of other activities.

We have reduced their funding effectively by 10 percent.

How much more of this $195 billion which accounts for only about 5 percent of the $3.7 trillion budget; how much more of this spending can we really afford to cut before we are required to lay off food inspectors and shut down meat plants?

How much more can we cut before we have no funds to pay employees to monitor our borders and ports? How much more before we have to cancel the construction of dams, bridges, highways, levees, sewers, and transit projects and throw thousands of private sector workers onto the street?

It should not be forgotten that when we force either civil servants or private sector workers out of their jobs, they both add to the unemployment rolls. They will not be paying taxes any longer, but they will tax already stretched social services. Surely we can agree cutting jobs, whether public or private, is not the right approach to assist our slowly rebounding economy.

This is not a question of how much we can or should save from a $3.7 trillion budget, but a question of how much more our colleagues think we should cut from the $195 billion we have left to pay for our domestic agencies when we will be effectively asking the agencies to cut another 10 percent in spending over the next 6 months.

In the coming days as we try to resolve our differences on domestic spending for the rest of this fiscal year I hope my colleagues will keep these points in mind.

Having said that, I intend to support this CR because it will provide the funding level that the White House has endorsed, and because if it fails we would likely have to shut down the Government. That would be unacceptable.

I encourage all my colleagues, those who think we have cut too much and those who do not, to support this 3 week extension to allow our colleagues additional time to try and reach an overall compromise on discretionary spending for the rest of the fiscal year.

Madam President, I ask unanimous consent that the time in quorum calls be allocated on both sides.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. NELSON of Florida. Madam President, I ask unanimous consent to speak as in morning business.

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

HEALTH CARE

Mr. NELSON of Florida. Mr. President, you remember a year ago, before we passed the health care bill, everybody testified that Medicare was set to go into bankruptcy in 7 years? Do you remember back then, just a year ago, Medicare paid doctors when seniors got sick, and Medicare was focused on the quantity of care instead of the quality of care? Back then Medicare paid hospitals more if a patient got an infection that could have been avoided in the hospital, and they paid hospitals less if they avoided that infection in the first place because Medicare, whatever the cost was, paid it. And do you

remember back then that doctors would perform the same test over and over for the same patient because they had not been encouraged in a law to work together and to share results? That is why a year ago we passed the Health Care Reform Act. Now that act extends the life of Medicare by 12 more years until at least the year 2029.

Now, because of a change in that law, Medicare does not just care for people when they get sick, it is a more comprehensive health care system. Now the senior citizens receive an annual wellness visit. As part of the new Medicare law they can receive screenings and tips on how to manage or prevent conditions such as if they have diabetes or high blood pressure, and they do not have to wait until they get sick. In my State of Florida that is a lot of senior citizens. That is 3.2 million senior citizens.

Another thing this health reform law does is increase payments to hospitals for providing higher quality care. It gives hospitals the incentives to prevent avoidable illnesses, and the law improves the quality by increasing the number of primary care physicians.

In my opening statement I said hospitals were paid more if people got an infection in the hospital. We are now going to pay the hospital less. We are going to give the hospital an incentive not to have that kind of hospital that increases infections while the patient is there. Now doctors, under the new law, can track the patient care. They can make sure patients are seeing the right specialists, and they can help specialists avoid repeating the tests and the procedures.

There is a part that is just being implemented now in the health care bill called the accountable care organization. Combined with that will be electronic records. So, instead, the Medicare beneficiary, the senior citizen going to this specialist, this specialist, this specialist, and this specialist, and all of them getting Medicare fee for service, now they are going to be under the umbrella of an accountable care organization that may be in the private sector. It may be part of Medicare Advantage, in an insurance company that is managing the care for the Medicare recipient.

Whatever it is, it is going to integrate with electronic records, with the enhancement of primary care physicians, so that all of that duplication is not done and so that everybody is talking to everybody through the electronic records. So these doctors now are going to be able to keep track of patient care, to see the right specialists, and to help the specialists avoid repeating the tests.

Now, you remember a year ago when senior citizens had to pay a lot for their senior citizen prescriptions under Medicare? That meant that sometimes our seniors did not get the treatment they wanted because they could not afford it. Remember back then that Medicare covered the first $2,800 worth of prescription drugs, but then they did not get any Medicare coverage for drugs until they had exceeded $6,300.

If they did not have the money and were a senior citizen, I will tell you what was happening in that $3,000-to-$4,000 gap. The senior citizens, as some of the senior citizens in my State and in your State, Madam President, were doing without, or they were cutting their prescription drugs in half, or they were, unfortunately, making the choice between food or their medicine, something that in America, in the 21st century, you cannot believe is going on. But, in fact, it was and, unfortunately, it still is.

It is about to go out because we are now covering that gap that is known as the doughnut hole in the new health care reform bill. So this bill that was passed a year ago is closing the gap in that coverage, and in my State alone, that means that 235,000 Florida seniors received a check this year of $250 that helped cover the cost of those prescriptions in that last year of 2010. This year, in 2011, under the new law, the seniors who hit that gap called the doughnut hole are going to receive a discount of 50 percent off the cost of their prescriptions.

The gap under this new law is going to be entirely eliminated by the year 2020. It is going to be gradually phased in.

One year ago, a lot of folks talked about the effect of health reform on Medicare Advantage. Remember that? Remember all that criticism about how Medicare Advantage was going to go down and how it was going to get cut? When we started proposing some real improvements to Medicare Advantage, a lot of the opponents were saying it was going to kill the program. They said it was going to cut those benefits, and it scared a lot of our senior citizens.

The truth was, the insurance companies that provided Medicare called Medicare Advantage had a cushy extra 14 percent over Medicare prescription direct benefits. Medicare fee for service plus 14 percent is what the insurance companies were getting. Those insurance companies pocketed much of that government extra spending, and we were not, under the old law, holding those insurance companies accountable for enough on quality.

As a result of that health care reform bill, today that program is stronger than ever. Remember how they said it was going to get whacked and it was going to cause the seniors to go way down?

I can tell you, in my State, enrollment is up 6 percent in Medicare Advantage, and the premiums are down in Florida by 9.6 percent on Medicare Advantage. The new health care reform bill allows us to push back against the insurance companies that wanted to charge too much for Medicare Advantage. Just in my State, we were able to save Florida seniors $4 million in the form of extra health benefits or reduced out-of-pocket costs for their Medicare coverage.

Under the new law, we are going to be able to reward Medicare Advantage plans: Medicare insurance companies—we are going to be able to reward those that provide the quality plans, the high-quality care.

Remember back 1 year ago what was happening on waste, fraud, and abuse in Medicare? The standards to prevent that waste, fraud, and abuse in Medicare were certainly not tough enough. How many times did we pick up the newspaper and we read about this guy had fleeced Medicare by opening a storefront that was a fake storefront and they started billing Medicare right and left and Medicare was paying it. As a result, the criminals were able to rip off Federal health care programs. A lot of that was because there was not an adequate enough review.

This new law has enforcement officials with new tools to prevent fraud before it occurs. This Senator had a part, a little bitty part, in that. The law gives States money to conduct background checks on long-term care providers and to educate seniors on fraud prevention, to educate them about those people who prey on our senior citizens and take advantage of them. My State has received in excess of $3 million thus far in order to provide that education on fraud prevention.

Because of the changes in this health care reform bill, Medicare is now stronger than ever. As it is being implemented over the course of the next several years, it did not take effect all at once. There is a lot of implementation in each year over about the next 4 years. As it does, Medicare is going to be stronger than ever. We certainly need to continue to protect and strengthen Medicare for all of our seniors.

On the occasion of 1 year ago, when this new law on health care reform became law—it is so complicated and there are mistakes in it and we will correct those mistakes over time. That is the good part about this being implemented over the next several years; that where there is a mistake, it can be corrected. If this goes all the way up to the U.S. Supreme Court, which I expect it will, and if the Court declares a part of it as unconstitutional, that does not mean the Court is going to strike down the whole law. But there are plenty of opportunities, where there need to be corrections as it is being implemented, that we can do that.

But I wished to come to the floor and point out some of these reforms that have already strengthened the Medicare Program, as well as providing a more favorable environment in which to receive health care coverage, particularly for America's senior citizens.

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. MANCHIN). Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I wish to speak for a moment on the continuing resolution and then speak on something else. It should not matter which political party we belong to. It is not right for any elected official to use the budget process to squander our economic potential and undermine our economic competitiveness. I see far too many people doing that in this debate.

I also see we are looking in a small window of the budget—something like one-sixth of the budget is where all the cuts are—confining the discussion to that, without looking at a millionaire's tax, without looking at closing loopholes.

We know, the Presiding Officer knows, if a company in Wheeling, WV, right across the river, or in St. Clairsville, OH, shuts down and moves to Mexico or China, they can actually deduct the cost of that move and that shutdown. That makes no sense. We need to close those tax loopholes. We need to look at the entire budget as we make these cuts.

Yesterday, I was on the phone with the majority leader talking to Ohio and Nevada media and also with John Paul Hill, an Ohio veteran who, after being discharged from the Army, was left homeless and turned to drug abuse.

With the help of a Housing-Urban Development-Veterans Affairs Supportive Housing—called HUD-VASH—Grant Program, he has an apartment. His life is on track. He is enrolled in college at Cuyahoga Community College in northern Ohio and he is on track to graduate and will be very employable.

Those are the kinds of cuts Republicans have made to maternal health care programs, to Head Start, to programs such as this for homeless vets. It is unconscionable that is the approach they have taken instead of much more serious long-term deficit reduction.

We also know from what JOHN MCCAIN's chief economic adviser said that the Republican budget that came out of the House would result in 700,000 lost jobs this year because of their approach, and that is clearly not good, as this economic recovery has begun—not fast enough in West Virginia or Ohio or anywhere else in this country, but it has begun. So we do not want to undercut that.

(The further remarks of Mr. BROWN of Ohio are printed in today's RECORD under ''Morning Business.'')

Mr. BROWN of Ohio. 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. ALEXANDER. 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. ALEXANDER. Mr. President, I ask unanimous consent that Senator BENNET and I have up to 10 minutes for a colloquy.

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

Mr. ALEXANDER. Mr. President, Senator BENNET and I have just announced an effort that I think most teachers, most principals, and many parents will want to be a part of. We are going to look at the education system in Tennessee and in Colorado—two of the more progressive States in education—to see if there are too many tests and too many regulations. We want to make sure the tests we have are good tests and the regulations we have are reasonable regulations, and any minute we can save from an unneeded test or an unnecessary regulation is a minute a teacher can spend devoted to teaching.

So we have done two things. First, we are introducing today legislation that we hope will be a part of the new Elementary and Secondary Education Act when it is passed that will have the Education Secretary set up a task force that will do something we don't usually do in government, which is subtract instead of add government—in other words, to continuously ask teachers, principals, and others what tests, what regulations are unnecessary so we can get rid of them.

Second, we are going to start right away to do this in Colorado and Tennessee. We have talked to our Governors—Governor Hickenlooper and Governor Halsam—and we are going to put together a task force of educators in our State and ask them to say to us: What regulations are unnecessary? What tests are unnecessary?

When I was Governor, I used to say to the Education Secretary, who was then Bill Bennett: There are too many Federal regulations. He would say to me: I bet you have more State regulations than Federal regulations. And he was right.

When I was Education Secretary, I had many teachers and others say to me: We can't do this, we can't do that because of the Federal regulation, when, in fact, there was no such Federal regulation. What often happens is that the confusion between what the Federal Government requires and what the State government requires creates inordinate confusion in the classroom, and teachers feel all tied up.

So we are going to start right away to do this. We are both very excited about this. We think this should give teachers and others in the classroom an opportunity to do their jobs. One day less on an unneeded test might mean one more day teaching a child U.S. history, which would suit me fine.

I wish to congratulate Senator BENNET for his contribution to the debate, his ideas. His ideas come from his experience as an extraordinarily successful superintendent of the Denver Public School System. So we are taking his more recent experience and my own background, putting them together with our teachers and principals, and we look forward to reporting to our colleagues what we find, as well as to Secretary Duncan, who will be a full partner with us in this. We hope this is part of the Elementary and Secondary Education Act when it is enacted in a bipartisan way.

Mr. BENNET. Mr. President, I thank Senator ALEXANDER for his leadership over so many years on education issues confronting this country and making sure every child in America has the opportunity to fulfill their full potential. I thank him also for his work on this bipartisan effort to do something very unusual for government and also for public education, which is actually to begin an inquiry about not what the next rule or regulation should be but whether there are rules and regulations that are now obsolete or whether our State regulations and Federal regulations are actually not accounting for each other in any way other than to overburden the people who are actually teaching our kids and our kids themselves.

I used to spend a lot of time when I was superintendent of Denver public schools wondering why everybody in Washington was so mean to our teachers and to our kids. Now that I have been here for a couple years, I know the people here are not mean. But this Senate floor is a very long way from the classrooms of this country—the classrooms in Tennessee and the classrooms in Colorado. We have to remember what the effects of everything we do are on that moment when a teacher is in her classroom with 20, 30 kids and trying to do her best to make sure they move forward.

This is an opportunity to not show up with the answers but to ask questions of our teachers and principals and moms and dads and see what we can take away. I have learned something since I have been here, which is that an awful lot of the burden we are placing on people in schools and classrooms and the way in which State and Federal regulations interact with each other—if we can reduce that burden while at the same time elevating our accountability system, improve our accountability system, make sure we are holding everybody accountable for delivering the outcomes from our kids, that not only will we get better results but we are going to find that there is a lot more time in the schoolday and the school year for kids to have well-rounded education all across America.

I thank our former Education Secretary for his work, and I thank our current Education Secretary, Arne Duncan, for working with us on this initiative. I am so looking forward to having a conversation with people, where we are saying: What can we take away, rather than: What are we going to impose on you now?

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have printed in the RECORD a memorandum on the

Colorado-Tennessee working group on effective regulation and assessment systems for public education, which outlines the roles Senator BENNET, myself, Secretary Duncan, along with Governor Haslam of Tennessee and Governor Hickenlooper of Colorado, will have.

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

GO–TN WORKING GROUP ON EFFECTIVE REGULATION AND ASSESSMENT SYSTEMS FOR PUBLIC EDUCATION

The structure of the working group will be as follows:

Co-Chairs: Sen. Michael Bennet, Sen. Lamar Alexander, Secretary Arne Duncan, Governor Bill Haslam, Governor John Hickenlooper.

Charge:

(1) Examine Federal, State, and local regulations governing public schools in Colorado and Tennessee.

a. Differentiate between financial, programmatic, general education, special education, and civil rights requirements.

b. Identify which governmental entity requires each regulation.

c. Measure cost of compliance in terms of funds spent on compliance and time in hours and personnel.

d. Identify duplicative, redundant, or unnecessary regulations at each governmental level.

e. Investigate how Federal, State, and local interpretations of laws and regulations create additional or unnecessary burden and are used as rationale (or cover) for imposing requirements that are not actually mandated by law.

(2) Examine Federal, State, and local assessment systems for public elementary, middle, and high schools.

a. Determine purpose and intent and length of each assessment (e.g., measuring student achievement, teacher effectiveness, system accountability).

b. Determine frequency, length, and scheduling and measure impact on length of time in hours and days spent on testing.

c. Identify duplication in the current system and opportunities to streamline the accountability system.

d. Examine whether current assessments are returned with sufficient speed and quality to inform instruction, student grading, and teacher effectiveness.

e. Examine reporting practices of test results and the degree to which they are returned in a timely manner with sufficient quality to be useful to parents, teachers and principals, and students to inform and improve their work, including targeting instruction to student needs, grading student work, and evaluating teacher and principal effectiveness.

f. Analyze the ability of quality assessments to measure whether a student is prepared to graduate from high school and pursue college or a career without the need for academic remediation.

g. Examine what factors most contribute to quality assessments and the extent to which high-quality assessments can advance student learning.

h. Assess the technology infrastructure for next generation assessments.

i. Identify opportunities to improve assessment practices to better promote parent, teacher and principal, and student understanding of progress toward college and career readiness and public understanding of school performance and educational productivity.

(3) Prepare a report analyzing findings and make recommendations for local, State, and Federal policy makers including:

a. State legislators
b. Chief State School Officers
c. State Federal Programs Director
d. Superintendents
e. Principals
f. Teachers
g. Assessment Experts
h. Educator Effectiveness Experts

Mr. ALEXANDER. Mr. President, one more time, the bottom line of this proposal by Senator BENNET and myself is that every minute a teacher spends on an unneeded test or regulation is a minute the teacher cannot devote to teaching a child. What we are asking the teachers of Tennessee and Colorado to do for us is to identify the rules and regulations we need and the rules and regulations we can get rid of.

Mr. BENNET. Mr. President, I will add one more example to this from my experience in Denver. We complied with No Child Left Behind in the Denver public schools. But there was something that didn't make sense to me and to our teachers and our families, which is that we thought we were asking and answering a completely irrelevant question when it came to accountability, which was: How did this year's fourth graders do compared to last year's fourth graders?

The accountability system in the United States is based upon that. What our teachers told me is: Michael, it is irrelevant because they are not the same kids.

They are right. So we moved to a system that asked the question: How did this group of fifth graders do compared to when they were fourth graders and third graders, compared to what every other child in Colorado with a statistically similar test history did as well. All of a sudden, we began to see places that were driving growth for kids but that were completely unrecognized by the Federal law. We saw other places where kids were achieving at high levels but were falling behind during the course of the year.

There is a lot of wisdom in this country about how to move our kids forward. What we have to do is tear down some of the barriers that are in the way of those good ideas. It took me a long time to get that performance system signed off on both at the State and Federal levels. The State of Colorado has a growth model, and we are talking about growth models all over the country as a result of the work we did in Colorado and the good work that has been done in other States as well.

Sometimes people ask: Why is it so hard to scale quality in public education? If we can, in some small way, tear down some of the unintended barriers to that scaling of quality education, I think our kids will be better for it.

Again, I thank the Senator from Tennessee for signing up on this initiative. I look forward to learning what is working well and what is not working so well in our respective States and watching this spread across the United States. I thank the Chair.

Mr. ALEXANDER. I thank the Chair also.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, we will soon be voting on a continuing resolution to continue funding the U.S. Government for 3 weeks. I believe that will reduce spending over that 3-week period by $2 billion a week, which is far less than the debt we are incurring in each of those weeks, but it is significant progress. Add it to the $4 billion we did in the previous 2-week CR.

I will support this continuing resolution. It keeps us on track to achieve a $61-billion reduction in Federal spending this fiscal year, which ends September 30. It is important we take action. It is a matter that is important financially to American business interests and foreign business interests that may be thinking of investing in the United States and people who might buy our huge number of Treasury bills that we sell each week and are purchased by people all over the world. They want to know if we have our house in order, if this is a safe place to invest their money.

We need to do something now. When our majority leader, Senator REID, proposed not $61 billion but that we reduce spending only $4 billion throughout the rest of this fiscal year, I said then and believe now that is only a product of being in the Washington bubble. We are in denial of the reality of the crisis we face. I do not want to talk down the American economy. I believe the American worker is willing to work, is competitive, but we cannot burden that worker with excessive debt.

How does that happen? I am ranking Republican on the Budget Committee. We have heard testimony from Drs. Rogoff and Reinhart, who have written a book called ''This Time is Different.'' Their study of nations that have gotten into trouble financially and have had debt crises over the last 20 years shows a consistent pattern of problems.

One of the things they concluded is that when a nation's debt reaches 90 percent GDP, the economic growth in that country slows down. The median was 1 percent, but the average was more than 1 percent. Some countries had more than a 1-percent drop in growth. Japan has a higher debt than we do, I think the highest in the world. They have an interesting way they have been able to finance it, but they have had no growth for quite a long time. It is consistent with the Rogoff-Reinhart study.

Does that apply to us? We are about 95 percent now. Our debt is surging. By the end of this fiscal year, the numbers are that our debt will be 100 percent of GDP, well above the figure. One might

ask: What does 1 percent growth mean? If we are looking for growth of 2 or 3 percent, 1 percent is half our growth.

What does it mean in other terms? Experts have said that a 1-percent reduction in growth amounts to 1 million jobs lost.

I believe we are beginning to feel a negative pull on our bounce back from this recession as a result of growing debt right now, not years down the road as some people have been saying and predicting; that we are going to have a debt crisis down the road. I hate to say it.

Erskine Bowles, President Clinton's Chief of Staff, was appointed by the President to cochair the debt commission with Senator Alan Simpson. They testified before our committee last week, and this is what they said about the nature of the crisis we face. They spent weeks studying the numbers, hearing from experts all over the world, about our debt situation. They reported that we have to take action now.

In a joint statement they presented to the committee, they said this is the most predictable financial crisis this Nation has ever faced. In other words, they said if we do not change course, it will be the most predictable crisis we have faced.

Senator CONRAD, our Democratic chairman, who is very concerned about these issues, asked them when. Mr. Bowles, who himself is a successful financial businessman and financier, said about 2 years. Senator Simpson contributed to the discussion and said: I think a year.

I hope we do not have some sort of debt crisis in a year. The fact that has even been discussed should be a cause for alarm. Let me say, in January, Alan Greenspan said we could have a debt crisis in 2 to 3 years. Moody's has discussed downgrading our debt. They have warned they might downgrade our debt in less than 2 years. We need to take action now. That is the deal. That is the matter.

We had some fine new Members elected to the House and the Senate last Fall. The American people believed those they elected would come to Washington and help us get off this course of wild spending. I believe the American people get it. They are not in a bubble. They know we cannot continue this way. They are prepared to take some action, and we need to do it. If we fail to take action that is noticeable and significant, it would send the wrong message around the world. They would say: Even with this election change that occurred in Washington, you are still not changing your course.

I urged the President before the State of the Union Adderss to talk straight to the American people about the threat we face, and he did not do so. The first 37 minutes of his speech was about new investments he called on us to make. Investments, of course, is new spending. He never once took a few moments to explain to us the kinds of things Mr. Erskine Bowles said or Mr. Alan Greenspan said about how we are on an unsustainable course. He never even acknowledged we are on an unsustainable course. He never warned us that we are going to have to tighten our belts, just as Governors are doing, as mayors are doing all over America. When we do not have money, we do not have money. If we do not have money, we have to change course.

I was disappointed, as were some of our Democratic colleagues, that we have not had the kind of national dialog and ask the American people to receive somewhat less from the Federal Government than they have been.

Why do we have to do it? Because we are facing a crisis in good leadership, which means the leader has to tell the people what the threat is, what the danger is, and how we are going to get out of it.

I truly believe one of the highest duties of any Member of Congress or any leader in America is to protect the American people from foreseeable dangers. As Erskine Bowles said, this is the most predictable crisis we have ever faced. It is heading to a bad end—hopefully, not as soon as they warned us it could happen so we will have time to get off this course. That is important.

The President said in his State of the Union Address that we will be living within our means. He did a radio address after he submitted his budget, and he said: We are going to be living within our means. My budget puts us on a track to prosperity. We are going to continue to invest, and we will be living within our means and paying down the debt.

Mr. Jack Lew, the Director of the Office of Management and Budget, says we are going to be living within our means and paying down our debt. Basically, they are saying: Don't worry. You guys are getting all hyped up. We can still invest. We can still spend. Don't worry about it.

What do the facts say? We do not need political talk; we need a fact-based budget. We need fact-based discussions. The facts are we are not going to be paying down our debt in 10 years under the President's budget. We are not going to be living within our means.

What is the situation? His own budget is four volumes. In that plan it calls for spending levels that increase the total gross debt of the United States from $13 trillion to $26 trillion. Under that plan, the lowest single annual deficit that occurs is over $600 billion. The highest deficit President Bush ever had was 450. That was too high. The lowest he is projecting in his own numbers is 600.

Even more troubling, in years 7, 8, 9 and 10 of his budget the deficits are going up. It is almost $900 billion in the 10th year. How could they say that? How could the President look the American people in the eye and say my budget is going to cause us to live within our means? How could Mr. Lew say that?

I examined Mr. Lew in the Budget Committee. I asked Mr. Lew, the lowest deficit you are going to have is $600 billion. How is that living within our means? He said: Well, there is something called a primary deficit. I said: What? He said: The primary deficit. I asked: Well, what is that? He said: Well, you don't count interest.

You don't count interest. When a family living in tight times today is trying to squeeze their budget, do they not count their interest on their credit card or their mortgage payment? How can they say they are balancing the budget, living within our means and not count interest that we pay on the debt? All of the money we borrow we have to pay interest on. We pay interest on $14 trillion. If it doubles to 26, we will pay interest on that. Last year, our interest payment for the United States of America was about $208 billion in interest payments alone.

Under the President's budget, the interest payment in the 10th year is $844 billion, according to his numbers. This is the fastest growing item in the entire budget. They assume an interest rate at 3.5 percent. I don't think and most experts do not believe that is going to remain so low. This is historically very low. Historically, we average about 6 percent on our debt. So if it went from 3 percent to 6 or 7 percent, instead of $840 billion I guess it would be $1.9 trillion in interest payments. And that could happen if we don't get off this unsustainable path we are on.

I am frustrated about this. People say: Well, this CR business is only discretionary spending. It is only a small part of the overall budget. You shouldn't even attempt to fool with it. You are wasting your time. No, no, no. We are going to have to take every part of the budget and see what we can do to contain the growth in spending, or even reduce spending, to eliminate some spending that is totally worthless because we get no real benefit from it. We need to make our government more productive, lean, and efficient. We can do that.

We cannot continue on this course. The House of Representatives has passed a proposal, a continuing resolution, that would reduce spending through the rest of the fiscal year a total of $61 billion. We should accept that. That is not too much. It is probably not enough, but it is enough to count.

For example, it is a $61 billion reduction in baseline U.S. spending. If you reduce the baseline, even if next year you start going up 1 percent, that 1 percent will be on a baseline that is $61 billion lower. We have calculated the numbers, and over 10 years, that $61 billion, plus the interest you don't have to pay, will save the United States Treasury $860 billion. That is a good step. That does make a difference. People who deny it makes a difference are wrong. It is not going to savage

anybody, unless some of these programs aren't working, and then they ought to be zeroed out. So I want to make that point clear.

How much is the discretionary spending—the money we spend here on education, on highways, on things of that nature—defense? Discretionary nondefense is about 12 percent of the budget; 60 percent or so is in Social Security and Medicare, and they are growing at an unsustainable rate. We need to take steps now to save Social Security, to put Social Security on a path so our seniors can rely on it and our young people can have confidence that when they become senior citizens, they can rely on it also. It is not that difficult to do.

This has been talked about by editorial boards around the country, by experts and economists and professors and Congressmen and Senators for years. But the crisis is getting more real and acute now. Yet what did the President do? He said not one word about that in his State of the Union or his budget. His budget doesn't do anything about any of the entitlements. You can't cut discretionary spending and you can't cut entitlement spending. In effect, they are saying nothing is to be challenged. I know that is not a rational approach to the crisis we are in today.

We have to work together. We have Senators together right now—Democratic and Republican—who are trying to figure out a way to make some alterations in the trajectory of our debt in America and to put us on a sound path. Democrats and Republicans are meeting—Senator WARNER, Senator CHAMBLISS, I think Senator MANCHIN and others are talking. They want to see us do something historic. I think we need to. But on the Budget Committee, Budget Director Lew said the President wasn't for any change. He took the view that Social Security doesn't have a problem; nothing is going to happen until 2037. Well, what happens then? It falls off a cliff, and that is assuming you count this paper that is supposed to be backing it up. But the money has been spent. We need to get Social Security on a sound course, and we can do it.

We have to work on Medicare, which is even more problematic and more dangerous. We need to get it on a sound course. We need to get our heads together on discretionary spending and contain our growth in discretionary spending, all of which is possible to do. All of that is possible to do. We have the opportunity to put our country on a road to prosperity and growth. We will need to do some things such as reforming our tax laws to more fairly raise revenue in a way that allows more growth to occur, because we need to have growth. We have to create jobs. We need to redo our energy policy and produce more American energy and hold the cost of energy down, not drive up the cost of gasoline and electricity on the American people.

Momentum, I think, is on the side of this. When Majority Leader REID offered his pittance of a reduction—a $4 billion reduction—10 Democratic Senators defected. They didn't vote for it because they didn't think it reduced spending enough. We had three Republicans who didn't support the $61 billion. They thought it ought to go lower than that. So the momentum out there is to go further than we are going.

The American people get it. Our expert testimony from witnesses tells us that. We have seen Bill Gross, of the PIMCO Bond Fund, the largest fund in the world, say they are not buying any more U.S. Treasuries, basically calling on the United States to reduce our debt. He didn't have confidence in it. We need to get busy and do some things. It is going to have to be done in a bipartisan way, there is no doubt about it.

There are two choices, I believe, truly. One is a tougher road, but it is the road to prosperity. It can return us to the kind of leadership role in the world we need to be in. The other road is the road to decline. Nothing comes from nothing. Nothing ever could, Julie Andrews sang. There is no free lunch. Debts have to be paid. Interest has to be paid on debts. This is reality. We don't live in a fantasy world. The time to stand and be counted is now.

This $61 billion reduction in spending through the last 6½ or so months of this fiscal year is a statement. It is actual, it is real, it will reduce the total indebtedness of the United States by $860 billion over 10 years. We could do more, but Congress being what it is, slowly coming around to the challenge, we are not ready probably to do more. But we need to do $61 billion. We do not need a compromise halfway, some $30 billion reduction in spending. I do believe that would show weakness on our part—a lack of resolve—which would not be a good signal for our fragile economy today.

We need to meet the test, to face the defining challenge of our time, and that is spending. It is the dominant issue facing America today, no doubt about it. It dwarfs every other issue. I wish it weren't so. When I came, in 1997, I guess we were still fighting over spending then, trying to contain spending, but by 1998 and 1999 we were in surplus. We balanced the budget. They started in 1994 and made some tough decisions. It is going to be harder this time. The hole is deeper, the demographics and the systemic threats to our financial order are greater than it was, there is no doubt about it. But we can do it.

I think it is our time to fulfill our duty—our duty to our Nation and to the American people to preserve America's heritage. We are standing at a time in this country where we have to make a choice. Let's make this choice. Let's do this 3-week extension, take it down $6 billion more over that 3 weeks, and then let's come back and do $61 billion and celebrate the first real step in decades to contain growth and spending. Let's promise this is the beginning. Let's promise that we are going to review all our spending, and we are going to do it in an honest, aboveboard way, fact based, not politics, not smoke and mirrors, or fantasy budgets, but real numbers facing real threats.

If we do that, I think the American people will be supportive. They were supportive in the last election. I believe they will be supportive again.

I thank the Chair for his leadership on these issues in the Senate. I think there is growing consensus here that progress must be made.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KYL. Mr. President, I wanted to say a few words in support of the continuing resolution that the House of Representatives passed that we are going to be voting on here in another hour or so. It is H.J. Res. 48.

This is the second short-term funding extension to prevent a government shutdown while our congressional leaders are negotiating to try to reach an agreement on a long-term plan to keep our government working through the end of this fiscal year ending in September. The short- and long-term continuing resolutions under discussion are leftover work from 2010 to finish the job of funding the government, as I said, through the end of this fiscal year.

Notably, the spending cuts that have been achieved so far are really the first meaningful spending cuts the Congress has passed since the Deficit Reduction Act which was enacted in February 2006.

The House-passed 3-week CR or continuing resolution, which runs until April 8, includes $6 billion in spending cuts, which will keep the Congress on track to implement the overall $61 billion in spending reductions which are included in the long-term CR. Enactment of this short-term measure would mean that in just 5 weeks we will have cut $10 billion from this year's spending, and because of the adjustment in the baseline, that means that over a 10-year period of time, we will have saved the taxpayers $140 billion. Even in Washington, DC, that is real money.

The cuts in H.J. Res. 48 include funding rescissions, reductions, and program terminations. It also eliminates earmarked accounts within the Agriculture, Commerce-Justice-Science, Financial Services, General Government, and Interior Subcommittee jurisdictions. It reduces or terminates 25 programs, for a savings of $3.5 billion, and

eliminates $2.6 billion in earmarked account funding—all in all, a pretty good day's work. While we could argue the spending cuts are not large relative to the overall budget, as I said before, they will amount to $140 billion in savings over 10 years.

I urge my colleagues to support this ability to cut funding—something we do not often have the opportunity to do. Why do we need to do this? Well, we all know that, first of all, we have a gross Federal debt exceeding $14 trillion. In fact, we are piling up debt at such a fast rate, that soon, the administration says—and the administration has—the President has asked us to increase the debt ceiling of the United States because of the amount of debt we keep adding to that that exists.

Obviously, we are living beyond our means. We have to borrow $4 billion a day. Another way to look as it is that for every dollar we spend here, we have to borrow 42 cents of that from somebody else. About half of that borrowing occurs from foreign nations. If you want to look at how the debt relates to the American citizens, it is equal to $45,500 per American or, if you want to relate it just to those who pay taxes, it is $127,000 for every taxpayer in the United States. That is how big our debt is.

That money has to be paid back. This is not something that just is out there in the ether somewhere; our creditors will want to be paid back when the bonds we have issued become due. It is either going to be us here in Congress and the President deciding how to reorder our priorities so we get our fiscal house in order or eventually the bondholders are going to do it for us by demanding far higher interest rates in order to buy our debt.

It is not just a fiscal problem, it is a national security problem. The Chairman of the Joint Chiefs of Staff, Mike Mullen, has made the point: ''I believe that our debt is the greatest threat to our national security.''

Now, why does he say that? Well, there are two basic reasons why. If we do not have the economic capability of funding all of the national security requirements we have, we no longer are the world's leading power, able to project our authority throughout the world, our ability to help others as well as defend ourselves.

Second, when we get into hock with other countries, become their debtors, our ability to influence their decisions in the world is diminished. It is very hard for us to go to the Chinese, who hold a couple trillion dollars of our debt—I think it is a figure roughly in that neighborhood—and say: We demand that you support us in the United Nations Security Council to impose sanctions on Iran. It is pretty easy for them to say: Oh, really? How about that debt you owe us? How about if you pay a little higher interest rate on that money?

Well, of course, paying a higher interest rate would devastate both our Federal budget and our economy. So it impacts our ability to influence others around the world, thereby also influencing our national security.

Finally, there is the impact of the cuts we are making today, when we pass this legislation, on job creation in our country. There is a direct relationship between government spending on the one hand—going into debt—and job creation on the other. It is one of the reasons we have the high unemployment we have today. In fact, if you look at a chart, there is an absolute direct correlation between the unemployment in our country and the deficit spending and debt in our country. That is why we have to get that lower. When we reduce the amount of debt and we spend less, which is what this legislation will do, we can leave the money in the private sector, enabling private businesses to invest that money, including in jobs, thereby not only hiring more people but helping our economy to grow.

In his work, Stanford economist John Taylor has shown this direct correlation between these spending cuts and increased employment. He recently released an analysis, and it is titled ''Why a Credible Budget Strategy Will Reduce Unemployment and Increase Economic Growth.'' That is the title. It concluded that the spending cuts in H.R. 1, which is the underlying continuing resolution in the House, ''will increase economic growth and employment as the federal government begins to put its fiscal house in order and encourage job-producing private sector investment.'' He is, by the way, among 150 top economists in the United States who signed a statement arguing for a change in direction and immediate action ''to begin to slow government spending, reduce uncertainty, and support the creation of new private sector jobs.''

We can begin that process by adopting the legislation that is before us here in another hour or so. It will, as I said, cut an additional $6 billion, so that the total in this last month and 1 week will be $10 billion in spending cuts that will, over a 10-year period of time, save the taxpayers $140 billion—all in all, a good day's work.

I urge my colleagues to support the legislation.

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

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

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I rise to speak about the current debate over the current Federal budget. On Tuesday, a very telling and very troubling vote was held in the House of Representatives. In order to pass the 3-week continuing resolution needed to avert a government shutdown, which we are considering here in the Senate today, Speaker BOEHNER was forced to rely on votes from House Democrats.

He had to do so because conservative Republicans abandoned their party leadership in droves. They fumed that the measure lacked special interest add-ons dealing with ideological issues such as abortion, net neutrality, and global warming.

In all, 54 conservative Republicans rejected the measure—even though it was necessary to avert a shutdown, even though their own leadership negotiated the proposal, and even though it included $6 billion in additional cuts to domestic discretionary spending. This is a bad omen.

Last week, the Senate held two test votes: one on H.R. 1 and one on a Democratic alternative. We knew that neither proposal would have the votes to pass and, sure enough, both went down.

The purpose of those votes was to make it clear that both sides' opening bids in this debate were nonstarters and thus pave the way for a serious and good-faith compromise. But, unfortunately, an intense ideological tail continues to wag the dog over in the House of Representatives.

Speaker BOEHNER had hoped after H.R. 1 failed in the Senate, it would convince his conservatives of the need to compromise. Instead, those conservatives have only dug their heels in further, and that is no way to improve our Nation's fiscal footing.

Speaker BOEHNER has said in no uncertain terms that he wants to avoid a shutdown, and I believe him. He is a good, honest man. The problem is, a large percentage of those in his party think ''compromise'' is a four-letter word.

I do not envy the position the Speaker is in, but he is going to have to make a choice. This is not a yellow wood in Robert Frost's poem, but there are two divergent roads, and, sorry, Speaker BOEHNER cannot travel both. He can cater to the tea party element and, as Congressman MIKE PENCE has suggested, ''pick a fight'' that will inevitably cause a shutdown on April 8—that is one path—or he can abandon the tea party in these negotiations and forge a consensus among more moderate Republicans and a group of Democrats. I think we all know which road he should choose.

Speaker BOEHNER would not have been able to pass this short-term measure without Democratic votes, and he will not be able to pass a long-term one without Democratic votes either.

Throughout this debate, Democrats have repeatedly shown a willingness to negotiate, a willingness to meet Republicans somewhere in the middle, and yet the rank and file of the House GOP has been utterly unrelenting. They have wrapped their arms around the discredited, reckless approach advanced by H.R. 1, and they will not let

go. In fact, they just keep squeezing harder.

Worse, the last few days have taught us that spending cuts alone will not bring a compromise.

The new demand from the far right is that we go along with all their extraneous riders. These riders don't belong on a budget bill, but they were shoehorned into H.R. 1 anyway. Now the hard-liners want them in the final deal.

This is why a compromise has been so hard to come by in the budget. It is because Republicans want more than spending cuts; they want to impose their entire social agenda on the back of a must-pass budget.

Those on the right are entitled to their policy positions, but there is a time and a place to debate these issues, and this ain't it. If this debate were only about spending cuts we probably would come to an agreement before long, but we will have a hard time coming to an agreement if those on the hard right treat the budget as an opportunity to enact a far-ranging agenda.

Many Republicans in the House recognize the unreasonableness of the hard-liners, to their credit. STEVE LATOURETTE of Ohio said passing the 3-week stopgap was ''exactly what people expect us to do—find cuts and continue to talk.''

MICHAEL GRIMM, a very bright freshman from my home State of New York, said the tea party lawmakers were making ''a big mistake.''

This is proof positive there are reasonable Republicans in the House, including some reasonable freshmen such as Mr. GRIMM who, along with a group of Democrats, can provide Speaker BOEHNER with the way around the tea party. In order to avoid a dead end on these budget talks, Speaker BOEHNER should abandon the tea party and work to forge a bipartisan consensus. It is the only way out of this bind.

Thank you, Mr. President. I yield the floor.

Mr. LEVIN. Mr. President, on March 2, we voted on a short-term continuing resolution. We vote today on another. I opposed the earlier measure, and for the same reasons, I oppose this one as well.

First, this legislation makes unjustified cuts in important Federal programs. These cuts will affect the safety and well-being of Americans who already have suffered through the worst recession since the Great Depression, and who still are waiting for a robust economic recovery to lift their fortunes.

The cuts in this bill include a more than 15-percent reduction in important agricultural research programs that help our farmers fight threats such as plant diseases and invasive species. And they include a reduction of $200 million—almost 25 percent—in funding for community-oriented policing grants that help local law enforcement agencies afford the equipment they need to keep our communities safe.

Second, while this legislation will do real damage to important programs, it will have little effect on its professed target: the Federal budget deficit. Focusing solely on cuts in nondefense discretionary spending, as this and previous continuing resolutions have done, cannot solve our budget problems, because those programs make up less than 15 percent of our budget.

Lastly, this legislation makes not even a gesture toward what must be an essential part of any deficit-reduction strategy: revenue improvements through the closing of tax loopholes and a rollback of the unjustified tax cuts for the wealthiest Americans that occurred under President Bush.

I will repeat what I have said before: We cannot seriously dent the Federal budget deficit unless we address revenues as well as spending. This is a matter of simple arithmetic. Hacking away at a narrow slice of the budget cannot significantly reduce our deficit. But it can do significant damage to our Nation's safety and security and to the welfare of American families. Passing legislation that does such damage is an error; passing it while failing to address unjustified tax cuts and loopholes that benefit the wealthy adds insult to injury.

Mr. HATCH. Mr. President, I want to take a few moments to discuss a pressing matter.

In a few hours, the Senate will take up another short-term continuing resolution to fund the government for fiscal year 2011. Earlier this month, I voted no on another short-term CR. From my perspective, the spending reductions provided in that bill were a start, but they sent a bad sign.

Washington needs to make clear, to citizens and to the markets, that it is serious about restoring the fiscal integrity of the United States. Don't get me wrong, any spending reductions are good spending reductions. But by getting into the habit of passing continuing resolutions rather than long-term funding bills with significant reductions in government spending, Congress and the White House send the signal that real spending restraint is impossible. The spending reductions in the last CR were a start, but they simply did not go far enough to bring fiscal sanity back to Washington. Unfortunately, in this opening volley in the debate over spending—to borrow from the former coach of the Arizona Cardinals, Denny Green—Democrats have shown that they are what we thought they were.

The rest of the world heard voters loud and clear last fall. Voters want spending restraint from Washington. Republicans told voters that Democrats could not be trusted on spending. And Democrats are still making our case.

One of my Democratic colleagues in the Senate has said that with respect to fiscal year 2011 spending reductions, I think we have pushed this to the limit. Last week, Democrats drew their line in the sand, and according to the Congressional Budget Office, they refused to reduce spending by any more than $4.7 billion. So in an appropriations bill that would spend over $1 trillion, Democrats could not find any more than $4.7 billion in reductions. The most they could come up with is a spending reduction of one-half of one percent? If Democrats consider these pathetic spending reductions pushing it to the limit, I would hate to see them really slacking off. In the Democrats' world, you are only truly stingy if you fail to increase spending. But failing to increase spending is not reducing spending, and we need to be reducing spending. American families are doing it at home, and we need to be doing it here. Pushed it to the limit? Give me a break.

There is no better time than right now to get serious about reducing spending. First, with each short-term CR that passes, it becomes less likely that we will get the full $61 billion in spending reductions that Americans want to see Congress adopt. Second, I am not going to sign onto the Democrats' strategy of short-term CRs that will jeopardize our national defense. We cannot be funding national defense in little 2- and 3-week blips. And third, we need to make it clear that discretionary spending matters. Democrats are fond of saying that the problem with our budget deficits is not discretionary spending. Well, it might not be the entire problem but it is a big part of the problem.

Democrats suggest that discretionary spending is a sideshow. The real money is in entitlements. Let me make one point here. Democrats today say they want to focus on entitlements, but you can bet the farm that today's budget-minded Democrats will start bludgeoning Republicans for any effort, no matter how modest, to get entitlement spending under control. The writer Andrew Ferguson got it right when he called these Democrats tough-choosers. They always talk about making the tough choices to get our spending under control, but the minute Republicans attempt to address deficits and debt, these same Democrats hammer Republicans for the cold-heartedness.

Getting at entitlement spending requires bipartisan leadership and Presidential leadership. Yet the President, who has enough time to go on national television and fill out his NCAA bracket, is only committed to a serious conversation about entitlements. We need more than a conversation; we need leadership. But leadership on spending is wanting among Washington Democrats.

In the end, these Democratic tough-choosers won't stand strong on discretionary spending or entitlement spending. So let's focus on discretionary spending. It is a problem, and it is what the American people sent us here to address. Nondefense discretionary spending has grown by 24 percent over

the last couple of years. This needs to be rolled back significantly. People in Utah understand that returning us to 2008 spending levels is the responsible thing to do.

When Democrats tell you that discretionary spending does not matter, think of a person who needs to go on a diet. The person weighs 300 pounds and needs to radically change his lifestyle in order to get in shape. When a Democrat says that we don't need to worry about discretionary spending, it is like an overweight person saying there is no need to worry about the half-pint of cookie dough ice cream he eats every day because he has cut out his daily large pizza. If you want to lose weight, you can't have either. And if you want to reduce spending, you need to address all of it.

The fact is, we are up to our eyeballs in deficits and debt. For the third consecutive year, we will have a deficit of over $1 trillion. We blew $1 trillion on the stimulus and followed that up with a $2.6 trillion health care bill that we could not afford.

I appreciate the efforts of my Republican colleagues, both in the House and the Senate, as they try to reach an agreement on a spending bill that should have become law last year. But Democrats, who controlled the White House and both Houses of Congress, shirked their responsibilities. And now they are digging in, trying their best to thwart the will of the American people and hold the line on the spending that Democratic special interests demand.

Here is a basic question that should inform this debate. What do you do when you are spending more money than you make? Even a second grade student could tell you that you stop spending money. Democrats' subservience to the spending status quo would not pass a second grade math class. But do they really mean to say that they can't find anything to cut? For some, every new crisis—real or imagined—seems to demand a solution that only government can provide. But how often do we really look back with a critical eye and evaluate the effectiveness of all of these new government programs? I am afraid not nearly enough.

Thanks to the work of my colleague from Oklahoma, Dr. COBURN, the GAO recently identified possibly hundreds of billions of wasteful and redundant government spending. Government is littered with programs that can be reduced or eliminated. To that end, along with my colleague from Colorado, Senator UDALL, I have introduced legislation that would create an anti-appropriations committee specifically designed to ferret out and cut government waste. And, of course, the ultimate fix for all of this spending is the balanced budget amendment, which I have introduced with my colleague Senator CORNYN, and is cosponsored by 31 of our colleagues. With a balanced budget amendment and with serious efforts by Congress, we can reduce spending in Washington, and we can restore constitutional limits on the size and reach of the Federal Government. This is no longer an ideological issue. Democrats might not know that yet. But spending is now an issue that transcends partisan allegiances.

Washington's reckless spending has now become a serious enough issue that financial markets are paying attention. Just last week, the world's largest bond investor divested all of its holdings in U.S. Treasuries. This is hardly a vote of confidence in the integrity of our Nation's finances. Yet what is the Democrats' solution? Let's reduce spending by $4.5 billion. To borrow from my friend and colleague from Iowa, Senator GRASSLEY, this is a spit in the ocean.

Congress needs to send a signal to the world that it is serious about taking on government spending. Unfortunately, Democrats remain intent on being unserious. I will not play these games with our Nation's fiscal integrity. I look forward to a meaningful debate over a long-term fiscal year 2011 spending bill. In the meantime, I will not be supporting the CR when it comes up later today.

Mr. LEAHY. Mr. President, today the Senate will vote on the sixth continuing resolution of the fiscal year. While this is not a record for Congress, it is certainly a number far higher than is appropriate for responsibly funding the government. I want to take a minute to explain how we got to this point.

Last December the Senate Appropriations Committee prepared an omnibus spending bill to fund the government for fiscal year 2011. The omnibus was not a perfect bill, but it was based on hundreds of hours of hearings, committee meetings and bipartisan negotiations. Members of both parties had input into the process and content of the bill. So it was perplexing that in the waning hours of the 111th Congress our friends on the other side of the aisle walked away from this bill. Because any action in the Senate is now subject to the approval of a supermajority we were unable to pass the omnibus and instead passed a continuing resolution to fund the government through the beginning of March.

I fully understand concerns about using an omnibus as a method for budgeting; it is far from a perfect mechanism. But the alternative is to operate the way we have for the last 6 months, stringing along stop-gap measures that undermine Federal programs and agencies. The impact of uncertain budgeting is felt at the State and local levels as well. I hear on a daily basis from Vermonters about Head Start programs that are considering layoffs, college students concerned whether they will have to take out more loans if Pell grants are cut, and hundreds of others worried about the future of home heating, housing and basic safety net programs for many who are struggling mightily right now.

It is critical that rather than muddling along with more short-term continuing resolutions that we pass a responsible budget plan for the remainder of the year. The current 3-week CR under consideration is an example of how this process does not serve us well. Halfway through the fiscal year we are debating significant cuts to infrastructure funding like Save America's Treasures, the Public Television Facilities Program and to efforts that provide basic services such as rural housing assistance to Vermonters.

I am extremely disappointed with the elimination of the Save America's Treasures program. It has preserved hundreds of historic landmarks throughout the country, a number of which are iconic Vermont structures, valuable parts of my State's identity. Another cut that is disappointing is the elimination of funding in fiscal year 2011 for the International Fund for Ireland. It is an unfortunate twist that on St. Patrick's Day, Congress is poised to pull the plug on this program of assistance for the most economically depressed communities of Northern Ireland.

These are not abstract cuts. The elimination and reduction of this funding will have a measurable and negative impact on job creation and the daily lives of Americans. While I believe these cuts are misguided, I will reluctantly support the continuing resolution. I do not make this decision lightly or with any enthusiasm. Unfortunately this bill is the only option available to keep the government running and prevent a shutdown. A shutdown would cause severe hardship for countless people, and the President and Congress must use this time to find an acceptable compromise to fund the government through the remainder of the year.

Ms. MIKULSKI. Mr. President, I rise in reluctant support of another short-term CR because I am absolutely against a government shutdown.

But enough is enough. We are 6 months into the fiscal year and no closer to having a budget than the day we started. The American people want a budget that is frugal, on their side and brings stability to their lives. Both parties must come together and agree to sensible budget cuts for remainder of this year. But cuts are not a strategy to reduce the deficit. Cuts are a tool, not a strategy. We must also tackle the items that are responsible for adding to our deficit.

We cannot continue a cycle of cutting $2 billion every 2 weeks. That is no way to govern. Even though many of the cuts in the new CR are cuts that I agree with, short-term CRs are a government shutdown by proxy. I don't want a government shutdown. I am fighting to prevent it. But we cannot fund the government with two to three week payments. It is bad for Federal workers, contractors, families and the economy.

Senate Democrats have initiated cuts. First we cut $41 billion from the

President's budget request. Then we offered to cut another $10 billion for a total of $51 billion in cuts. But our offer was rejected. Republicans want to cut $100 billion. We met them halfway. But that wasn't good enough. Whether we cut $100 billion at once or several billion at a time in short term CRs, this is not a strategy to reduce the deficit and will hurt middle class families.

I am for cuts. The biggest cut I want to make is to the unemployment rate. Last week, I voted for Chairman INOUYE's package with $51 billion in cuts. And in my own CJS bill, I have agreed to cut agency overhead by 10 percent, and cut agency party funds by 25 percent.

I am for making cuts to programs that middle class families don't depend on for their survival. Let's end lavish subsidies for oil and gas companies to save $4 billion each year before we cut Head Start and Child Care by $1 billion. Let's stop the tax breaks for corporations that send jobs overseas to save $5 billion before we cut afterschool programs by $100 million. Let's stop subsidizing big agribusiness to save another $5 billion a year before we cut Pell grants for middle class kids by more than $600. And let's end the war and bring our troops home which costs $1.1 billion a week in Iraq and $2.5 billion a week in Afghanistan before we ask our military men and women and their families to sacrifice any more for our country.

The uncertainty of these short-term CRs is bad for workers and contractors. One-hundred thirty-thousand Federal employees and tens of thousands more contractors live and work in Maryland. These are some of the most dedicated, hardworking people in our Nation. They make sure the food we eat is safe, find cures for the most devastating diseases, and make sure seniors get their checks every month. At Goddard Space Flight Center in Prince George's County there are 9,100 employees 3,400 civil servants and 5,700 contractors leading the world in green science initiatives. Of these 9,100 workers, 65 percent are scientists, engineers and technicians taking us into the next century with research on the Earth and its climate and leading missions to learn about the Sun, Moon, Mercury and Saturn.

Maryland's Federal employees win Nobel Prizes. Dr. Bill Phillips of the National Institute of Standards and Technology in Gaithersburg shared the 1997 Physics Nobel Prize for development of methods to cool and trap atoms with laser light, making it possible for us to study atoms with unprecedented precision. Secretary of Energy Steven Chu was one of his co-winners. Dr. Martin Rodbell of NIH shared the 1994 Nobel Prize in Medicine for his discovery of G-proteins and the principles of signal transduction in cellular communication. Dr. John C. Mather of NASA Goddard shared the 2006 Nobel in Physics for a discovery that has enabled precise measurements of the first moments of the universe. Whether they have won a Nobel Prize or provide the petri dishes or support services for this important work, these are hard working federal employees and contractors who are duty and mission driven.

In Prince George's County, I heard from a small business owner who does contract business with the government. Over the years she has grown her business with help from the Small Business Administration. Her company graduated from the SBA's 8(a) business development program, which was created to help small and disadvantaged companies compete. By taking advantage of the resources offered like mentoring, business counseling, training, financial assistance and technical assistance she grew to a $43 million business based in Maryland with divisions in other states. She's a success story. She asked me, ''What should we do if the government shuts down?'' She's afraid that the gains she's made could all be lost in a shutdown. At a time when we are seeing signs of economic recovery Congress should be nurturing this trend with predictable, stable funding for small business owners, not destroying it.

I support Federal employees and contractors. I support the mission of our government agencies and I support providing the money needed to carry out their mandates. But I don't support a government shutdown.

I support cuts. But cuts are not a strategy to reduce the deficit. Cuts are a tool, but they are not the only tool. We need a more thoughtful approach. We need a real strategy.

I will vote for today's CR but we cannot continue to pass short-term spending bills. Both sides must come to agree on a long-term budget for remainder of fiscal year.

Mr. KERRY. Mr. President, today I will vote in favor of the continuing resolution to keep our government and all its essential services open and operating for the next 3 weeks. I am supporting another short-term extension for the last time. I am only supporting this legislation today because I have been guaranteed by the leadership on both sides of the aisle that this will be the last time we will be forced into adopting a short-term fix to our budget problems and because the only other option would be to shut down the operations of the government.

I believe a government shutdown is in no ones interests but I remain deeply disappointed in the political process that has put us in this untenable position. A 3-week extension that merely defers tough decisions on funding for the fiscal year that started almost 6 months ago is hardly progress. The American people deserve better than a stalled process which delays important decisions of how we can reduce our Federal budget deficit while maintaining our important investments in infrastructure, research, education, technology, and clean energy which will result in new jobs and will bolster our long-term competitiveness.

The American people deserve a serious dialogue within the Congress about our fiscal situation, discretionary spending, entitlements, and revenues. We need to work towards a long-term solution to reduce both our current budget deficit and our staggering debt. We will need to reduce federal spending and make appropriate changes to our entitlement programs to meet the fiscal challenges facing our country. To do this appropriately, everything—revenue, tax reform, spending and entitlements—needs to be on the table.

The question now is what are the tough decisions we are going to make today? What are the issues we are going to wrestle with together at a moment of enormous challenge? This process cannot be done in 3 weeks, but it should have already begun—and it needs to begin today. The American people deserve no less.

IMPACTS OF CUTS TO THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. INOUYE. Mr. President, at my request, the National Oceanic and Atmospheric Administration has provided information on the potential impact of a fiscal year 2011 continuing resolution on the agency's long-term ability to effectively carry out its mission. In particular, they highlight potential impacts to their ability to provide accurate and timely weather and hazard forecasts and what the economic impacts may be on a State-by-State basis. I ask unanimous consent that their response be printed in the RECORD so that we may have a more informed debate.

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

U.S. DEPARTMENT OF COMMERCE,
Washington, DC.

Hon. DANIEL K. INOUYE,
Chairman, Senate Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN INOUYE: Thank you for meeting with me on Monday, March 7, 2011, and for your letter regarding the level of funding for National Oceanic and Atmospheric Administration included in the proposed FY 2011 Continuing Resolutions. Enclosed are answers to your questions on the Joint Polar Satellite System (JPSS) and state-by-state data on NOAA funding.

I appreciate your interest in our polar satellite system, which is of vital importance to the Nation. NOAA provided the best information possible in the rapid time frame that the current debate demands. If we may be of further assistance to focus on more specific information or examples, please do not hesitate to contact me.

Sincerely,

JANE LUBCHENCO. PH.D.,
Under Secretary of Commerce for Oceans and Atmosphere.

What impacts would the CR have on NOAA's ability to continue development of the Joint Polar Satellite System (JPSS), and if it is not adequately funded this year, how would that affect funding needs in future years?

The FY 2011 President's Budget Request included $1.06 billion to maintain continuity of

earth observations with the next generation of polar satellite, NOAA's JPSS. To ensure data continuity, the Administration had submitted an anomaly request for $528 million.

Because of insufficient funding, and the uncertainty caused by the temporary continuing resolutions this year, the launch date for JPSS–1 has already slipped to March 2016, a delay of at least 14 months and the costs of the program have risen. Continued inadequate funding will cause further delays—on an approximate day-for-day slip—and further cost growth. Thus, if JPSS funding were kept at the CR level for the entire FY 2011, the launch date for JPSS–1 will slip to no earlier than September 2016.

An analysis done by the Aerospace Corporation demonstrates that even small slips to the launch schedule for JPSS–1 in 2016 yields large increases in the likelihood that a gap in satellite coverage will occur. This is because NASA's NPOESS Preparatory Project (NPP) that will launch later this year as a temporary replacement will have reached its end-of-life and the probability it will survive another day or month decreases dramatically. Thus, additional funding in FY 2011 of $528 million will allow for a launch in the March 2016 timeframe vice September 2016 timeframe and decrease the probability of a gap in coverage from 90 percent to 35 percent. Additionally, in order to maintain a March 2016 launch date, full funding of JPSS will be required in FY 2012 of $1.07 billion.

At the CR level, NOAA can only support about half the JPSS workforce planned. Funding uncertainty also precluded hiring the approximately 700 additional contractors, nationwide, required for the program. As a result, NOAA has focused its development efforts on the delivery of those program elements that will support the launch of the NPP satellite this fall, which will provide data for NOAA operational weather forecasts after the failure of NOAA's current operational polar-orbiting satellite. The inability to support the necessary workforce requires us to focus the resources we have on the NPP mission and forces us to delay work on the JPSS spacecraft and instruments resulting in a delay of at least 14 months to the date JPSS needs to be available to launch. The planned launch has now slipped from 2015 to 2016. Given this schedule slip and the amount of time needed to calibrate a new satellite before it can generate useful data for weather and climate needs, it is highly likely that JPSS will not be operational in time to ensure data continuity with NPP. We estimate a 90% likelihood of a ''data gap'' in 2017, which would result in a degradation of forecast accuracy that is further discussed in the next response. A lack of funding in FY 2011 will also increase the total life-cycle cost of the system as development efforts are stretched, opportunities to capture purchasing and production efficiencies are lost, contract management expenses increase, and the compounding impact of inflation as the program is delayed. Experience suggests that without additional funding in FY 2011 the total life-cycle cost of the program could grow by approximately $1.6 to $2.6 billion.

What kind of impacts do you foresee for weather forecasting capability if JPSS is not adequately funded, and what would be the effects on the safety of U.S. citizens?

What economic impacts would you expect if the U.S. were to lose the observations expected from the JPSS program?

During the gap period, NOAA will have to rely on international partners for non-optimal data to support our weather prediction models, resulting in a degradation of forecast accuracy by 1 to 2 days. Higher confidence forecasts would only extend out 5 days instead of 7 days as they do currently. This degradation would cause the National Weather Service to suffer a loss of decades' worth of continual improvements in forecast ability. The economic and security consequences to the Nation would be severe:

$100 to $200 million per year to the aviation industry from reduced volcanic ash monitoring.

$6—$8 billion lost annually due to reduced accuracy of drought forecasts impacting the agriculture, transportation, recreation and tourism, forestry, and energy sectors.

Alaska, due to its high northern latitude and remoteness is only serviced by our polar satellites. During a gap the State would lose almost all of its weather forecasting for aviation as well as for the economically vital maritime, oil and gas industries. The estimated average expected annual losses to container shipping (lost containers and damage to vessels) in the absence of good information about extratropical storm conditions is on the order of $250 million/year in the North Pacific.

Less accurate long range forecasts of severe weather will adversely impact emergency response and evacuation planning for major storms and events. Every excess mile unnecessarily evacuated during a coastal storm or hurricane costs an estimated $1 million and disrupts thousands of lives.

The degradation of 2–10 day long-term forecasts, which are imperative for troop deployments and planning operations. Within the military, these data and products allow military planners and tactical users to focus on anticipating and exploiting atmospheric and space environmental conditions. For example, Air Force Weather Agency requires accurate wind and temperature forecasts for any decision to launch an aircraft that will need midflight refueling or for weapons deployment.

In 2010, 295 lives in the U.S. alone were saved thanks to the satellites picking up rescue beacons. NOAA's polar satellites carry the search and rescue antennas that receive these signals. During a gap in coverage the emergency response times would increase or rescue signals may be missed, significantly increasing the jeopardy of those in distress.

Recognizing the troubled history of the National Polar-orbiting Operational Environmental Satellite System (NPOESS), do NOAA and NASA now have the right acquisition and management mechanisms in place for the program to succeed?

The NPOESS Program attempted to reduce duplication of efforts and reduce costs by combining common requirements of the civil and defense satellite programs. However, after a decade of continued program cost growth and schedule delays, an Independent Review Team found that the tri-agency management structure was ineffective and there were divergent program priorities for civil and defense needs. In February 2010 the White House announced a restructuring of the program. The current JPSS program replicates the successful NOAA-NASA partnership with NOAA as the responsible agency for operating this critical national resource to support weather warnings and forecasts and monitor climate and NASA acting as NOAA' s satellite acquisition agent. Over the last four decades, this partnership has successfully developed, built, launched and operated over 60 weather satellites.

Do you believe that NOAA's Earth Science mission can be completed by other Government agencies, like NASA? Is there duplication in the U.S. Government's Earth Science missions?

For over forty years, NOAA and NASA Earth observation missions have operated to complement and not duplicate each other's efforts. NASA and NOAA have fundamentally different missions, meeting the needs of different user communities. NASA focuses on new science and discovery; NOAA focuses on reliable and stable long-term monitoring of the environment to protect life, property and commerce. Ensuring the continuity of weather data from our satellites is fundamental to NOAA's mission; it has historically not been fundamental to NASA's mission. The structure of the U.S. civil space programs results in complementary programs, located within the agencies that have clear authority, accountability, and responsibility for budgetary, policy, and user requirement decisions.

Time and again, Congress and Presidents (including the 2010 National Space Policy, *http://www.whitehouse.gov/sites/default/files/national___space___policy___6–28–10.pdf*) reaffirm the need to maintain funding of the civilian meteorological satellite program in a manner that extracts the core capabilities from NASA and NOAA to execute continued US advancement of space-based Earth observations that protect life, property and economic competitiveness. In a 2009 report, after an in-depth analysis of NASA's Earth Science projects related to climate and weather research, the Government Accountability Office (GAO) confirmed that there was no duplication of effort with other federal agencies.

Can you provide information on NOAA's economic impact on a state-by-state basis?

I have attached a breakdown of the amount of money NOAA provided to each state through grants and contracts in FY 2010 for your review.

I appreciate your interest in this issue of vital importance to the nation, and provided the best information we can in the rapid time frame that the current debate demands. If we may be of further assistance to focus on more specific information or examples, please do not hesitate to contact me.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the vote on the continuing resolution start at 2:45. The time will run as if it started at 3 o'clock. There are some problems with a few Senators, so I ask consent that the vote start at 2:45.

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

Mr. REID. Mr. President, I further ask that the time until 2:45 be divided equally between the Democrats and Republicans.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. INHOFE. Madam President, I suggest we proceed to the vote on the joint resolution.

The joint resolution (S.J. Res. 48) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. INHOFE. Madam President, I ask for the yeas and nays.

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

The clerk will call the roll.

The result was announced—yeas 87, nays 13, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—87

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

NAYS—13

Crapo	Lee	Rockefeller
DeMint	Levin	Rubio
Ensign	Murray	Sanders
Hatch	Paul	
Inhofe	Risch	

The joint resolution (H.J. Res. 48) was passed.

The PRESIDING OFFICER. The motion to reconsider is considered made and laid upon the table.

EXECUTIVE SESSION

NOMINATION OF AMY BERMAN JACKSON 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 bill clerk read the nomination of Amy Berman Jackson, of the District of Columbia, to be United States District Judge for the District of Columbia.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, we yield back all time on this matter.

Mr. LEAHY. Will the leader withhold?

Mr. REID. The chairman is here.

Mr. LEAHY. Madam President, I thank the majority leader for scheduling this confirmation vote today. I have been talking about this nomination since last year. Amy Jackson 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 one of two nominations to that court 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 Ms. Jackson, the Senate Judiciary Committee has had to reconsider her and now, finally, the Senate is being allowed to consider her.

I have spoken about the vacancies in the District of Columbia on numerous occasions, including during the last 2 weeks. I have 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 before adjourning last year in response to his request. All four nominations were reported unanimously by the Judiciary Committee last year. They were needlessly delayed.

When the Senate was allowed to consider and confirm Judge Boasberg on Monday, I, again, raised the question of the refusal on the other side of the aisle to proceed to consider the Jackson nomination. Ms. Jackson's nomination was reported without opposition by the Judiciary Committee last year and, again, earlier this year. Ms. Jackson is a former assistant U.S. attorney with outstanding credentials and experience who the Standing Committee on the Federal Judiciary of the American Bar Association gave its 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 given her a strong endorsement. I expect this will be another of the nominations that has been needlessly delayed and then confirmed unanimously or nearly so.

In addition to the Jackson nomination, there remain 10 additional judicial nominees awaiting final Senate consideration after having been reviewed by the Judiciary Committee. Also reported from the Judiciary Committee and before the Senate are nominees to fill two judicial emergency vacancies in New York, a judicial emergency vacancy on the Second Circuit, two judicial emergency vacancies in California and vacancies on the Federal and D.C. Circuit, in Oregon, and two vacancies in Virginia.

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.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

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 four 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 significantly.

By now, judicial vacancies should have been cut in half, but they have not been. Unlike in the first 2 years of President Bush's first term when with a Democratic majority the Senate reduced vacancies from 110 to 60, judicial vacancies topped 90 in August 2009 and have remained above that level ever since. After tonight's confirmation, they will still number 95, putting at risk the ability of Americans to have a fair hearing in Court.

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 four 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 and by this date in President Bush's third year had confirmed 110. So far in President Obama's third year in office, the Senate has only been allowed to consider 73 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 three 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.'' 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 before us. 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.

I thank Chief Judge Lamberth for his efforts on behalf of his Court, on behalf of the people of the District of Columbia, and on behalf of our justice system. The American justice system is not some discretionary luxury. It serves an essential function in our democracy. I thank all the women and men who work every day in our courts to guarantee justice for the American people.

I am glad that Amy Jackson's wait is finally over and congratulate her and her family on her confirmation.

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, The Capitol, Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, The Capitol, 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.

Mr. GRASSLEY. Madam President; toady we vote on our 13th judicial nominee in just 29 legislative days. In this session of the Senate, we have confirmed more judicial nominees than in the same time period for any of the previous four Presidents.

I like to keep my colleagues up-to-date with our cooperation and progress on judicial nominees. We continue to process nominees at a fast pace in committee. We held our fourth nominations hearing yesterday and have heard from 17 judicial nominees this year. The Judiciary Committee met this morning and reported an additional district court nominee. We have now reported 23 nominees, nearly 40 percent of the 58 judicial nominations made by President Obama this year. The committee has taken some step forward on 55 percent of the judicial nominees. We have delivered on our promise to move consensus nominees.

Even with our fast pace, the current vacancy rate remains high. But with 94 vacancies in the Federal courts, the President has only put forward 44 nominees for those vacancies. That is 50 vacancies without a nominee. For seats designated judicial emergencies, 57 percent of those vacancies have no nominee.

As I have said in the past, the burden is on the President to nominate consensus individuals for current vacancies. Yet, for the second time, President Obama has sent up a nomination to a seat which is not vacant. I think we can all agree the Senate's time and resources are valuable. My priority continues to be carefully reviewing nominations for vacancies which require our immediate attention.

Today we vote on Amy Berman Jackson, nominated to be a U.S. district judge for the District of Columbia. Ms. Jackson is not the first nominee to be considered for this vacancy. Michael O'Neill, who served as chief counsel and staff director to then-Chairman Specter, was nominated by President Bush to fill this seat in June of 2008. He waited for more than 18 months for a hearing and a vote—neither of which he received. His nomination was returned to the President in January 2009. I am disappointed the Senate did not give Mr. O'Neill the courtesy Ms. Jackson is receiving today.

Ms. Jackson received her A.B., cum laude, from Harvard College and her J.D. from Harvard Law School, cum laude. Upon graduation from law school, she served as a law clerk to the Honorable Harrison L. Winter of the U.S. Court of Appeals for the Fourth Circuit.

Ms. Jackson served as an assistant U.S. attorney before moving into private practice. She has focused on white-collar crime, plaintiffs' work involving multidistrict litigation and civil matters. The ABA Standing Committee on the Federal Judiciary has unanimously rated her as ''well qualified.''

I congratulate the nominee and wish her well in her public service as a U.S. district judge.

Mr. LEAHY. I yield back any time I have remaining.

The PRESIDING OFFICER. All time is yielded back.

Mr. MCCONNELL. 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 Amy Berman Jackson, of the District

of Columbia, to be U.S. District Judge for the District of Columbia?

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. UDALL) is necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. UDALL) would vote ''yea.''

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Nevada (Mr. ENSIGN).

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 45 Ex.]

YEAS—97

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

NOT VOTING—3

Ensign	Inhofe	Udall (NM)

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from Massachusetts.

MORNING BUSINESS

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

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

SBIR/STTR

Mr. BROWN of Massachusetts. Mr. President, I rise in support, strong support of the SBIR bill. As many of you know, the SBIR bill and the STTR Programs provide vital resources to small businesses, not only in Massachusetts but throughout the country. This reauthorization is incredibly important to not only businesses in my State but businesses in everybody's State.

This compromise bill has been under development and negotiation long before I got here. I applaud Senators LANDRIEU and SNOWE, our chair and ranking member on the Small Business Committee, for their persistence in pushing this bill through. As a matter of fact, I have two amendments that are in the bill that is before us now. I will be offering, not today but in the near future, an amendment which I am about to talk about.

As a small business owner myself for many years, and a longstanding member of many Chambers of Commerce, I believe the Massachusetts small businesses and businesses throughout this country are the economic engine that will help get us out of this economic slowdown we are in. They have the potential to grow, to expand and hire, unlike many businesses throughout the country. Massachusetts is widely regarded as the center for innovation in biotechnology. We are a small State but we have received the most SBIR awards, only after California. That goes to show how important our State is when it comes to creating small businesses. The success of the SBIR Program serves as a reminder that government can play a role in the business community. But it also needs to know when to step out of the way and allow businesses to grow and actually create jobs.

I want to speak about an amendment I filed, amendment No. 212. It is based on S. 164, the Withholding Tax Relief Act of 2011, which enjoys bipartisan support and is critically needed now. The ranking member of the Small Business Committee, Senator SNOWE, is a cosponsor. I am looking forward to getting many other cosponsors and working very closely with the chair on this timely piece of legislation.

We need once and for all to repeal an onerous and costly unfunded mandate that directly affects businesses, not only in my State but throughout the country. This is a jobs amendment, plain and simple. It would repeal part of our Tax Code that absolutely promises to kill jobs, jobs that these young people up here could someday have. If we do not act soon, section 3042(t) would require, beginning January 12, Federal, State, and local governments to withhold 3 percent of nearly all contract payments made to private companies as well as Medicare payments, farm payments, and certain grants. It is an arbitrary tax and it is nearly impossible to actually implement it. It is one of the things we have done that makes absolutely no sense. It has been delayed many times.

The Government Withholding Relief Coalition, a coalition of more than 100 members encompassing a cross section of America, has estimated the combined total 5-year cost to the State and Federal Government of implementing this legislation could be as high as $75 billion.

That makes a lot of sense? That $75 billion is coming out of those coffers at a time we can least afford it, and it is estimated only to bring in about $7 billion over that same time period. It makes absolutely no sense. It is absurd. Any tax that costs more to implement than it actually brings in makes no sense at all. I hope with your leadership and many other Senators' leadership on this issue we can attack these bad laws that are about to click in. It should be repealed immediately. As a matter of fact, last week I received a letter from Massachusetts State Secretary of Finance Jay Gonzalez, warning Congress of the inevitable threat to small businesses' ability to survive in this tough economic climate if we allow the continuation of what I consider a stealth tax. We cannot discuss the health of small businesses on the floor without acknowledging that these very same small businesses we aim to help with the SBIR Program, the bill before us now, will be suffocated by this 3-percent withholding tax. For some businesses it may be the entire net profit of what they make per year.

I ask unanimous consent to have the letter from Secretary Gonzales printed in the RECORD.

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

THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE,

Boston, MA, March 11, 2011.

Hon. MAX BAUCUS,
Chairman, Committee on Finance, U.S. Senate, Washington, DC.

HON. ORRIN G. HATCH,
Ranking Member, Committee on Finance, U.S. Senate, Washington, DC.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

Hon. SANDER LEVIN,
Ranking Member, Committee on Ways and Means, House of Representatives, Washington, DC.

CHAIRMAN BAUCUS, RANKING MEMBER HATCH, CHAIRMAN CAMP, AND RANKING MEMBER LEVIN: As Secretary for the Executive Office of Administration and Finance for the Commonwealth of Massachusetts, I am writing to express my strong support for legislation to repeal Section 511 of the Tax Increase Prevention and Reconciliation Act (TIPRA) of 2006. Section 511 amends the Internal Revenue Code by adding a provision mandating that government entities with greater than $100 million in annual spending withhold three percent on payments made for most goods and services, including Medicare payments and certain grants. That three percent is allocated toward the vendor's tax liability. S. 89 and S. 164, currently pending in the Senate, and H.R. 674, currently pending in the House, would eliminate Section 511.

As a state finance official, I strongly support enhanced transparency and tax compliance; however, I am very concerned about the impact of Section 511 on the Commonwealth of Massachusetts' accounting and

procurement systems. Specifically, compliance with Section 511 will require that the Commonwealth devote personnel and other resources to overseeing collection and remittance of the fees, thus causing administrative and financial burdens. The Commonwealth and its municipalities likely will face increased costs to purchase affected goods and services, as vendors can be expected to raise prices to recoup their own added costs or simply refrain from doing business with government purchasers. The negative impact of Section 511 may be particularly acute for women and minority owned businesses as well as small businesses, since it will affect cash flow, their ability to raise capital and to pay subcontractors.

I strongly encourage you to support repeal of Section 511 and to visit the Government Withholding Relief Coalition's website at *www.withholdingrelief.com* to see the number of government associations and businesses that support abolishing this mandate.

Sincerely,

JAY GONZALEZ,
Secretary.

Mr. BROWN of Massachusetts. The Department of Defense alone has estimated this provision will cost about $17 billion to comply with over the first 5 years. Unfortunately, there are many other provisions and reasons why this provision should be repealed as soon as possible. At a time when State and local governments are under extreme fiscal and financial stress, why? I don't get it. Why would we actually start to put in and enforce another unfunded, costly mandate on them to recover minimal funds for the Federal Treasury? This is a question of the Federal Government seeking more funds to pay its bills. Only in Washington—and I have been here a little over a year, very similar to what the Presiding Officer has—only in Washington can they try to convey that something like this is good when they actually spend $10 of everybody's money, nearly, to recoup a dollar. It makes absolutely no sense to me at all.

Many businesses that contract with the government will simply pass this provision on, as we know, back to the government in the form of higher bids on contracts. So having a bid on a contract here, when this particular tax is implemented—it is going to be here and is ultimately going to cost every single one of us more money to do the same thing.

I listen to the administration, I listen to all the political pundits, I listen to everybody talk about the fact that we need to get our fiscal and financial house in order. We are in trouble fiscally. This country, if we do not do something quickly, is going to be in deep trouble. Here we are. We have an unfunded mandate, something that is going to add to the cost of doing business, and here we are. Are we going to take it up and vote on it? I hope we do. I am looking forward to the bipartisan leadership from the Presiding Officer and others on this very important issue.

Many businesses that contract with the government, as I said, will merely pass this on. It will crush them and restrict a critical cashflow and discourage them from participating in government contracts. They will go other places.

Members of the construction industry are also worried that the provision will tax away all of their anticipated profit on government contracts, hence diminishing competition and actually raising costs to the government at a time we cannot afford it.

This provision passed in 2005, long before we got here—but we, as the new breed of Senators, recognize we need to get our house in order. There is a reason the implementation of this has been delayed over and over. Everyone knows it can never go into effect. We will be back on the floor later this session, because we need to repeal this tax. We can do it in the next weeks. I appreciate the effort of the majority leader to now include us in the amendment process so we can actually be part of the process and come up with new ideas, from new people, to look at things in a different way and actually solve problems. That is what this amendment offers. I plan to offer it. I welcome everybody's support.

Before I conclude, I want to wish everybody a happy St. Patrick's Day and I appreciate your listening.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

NATIONAL AGRICULTURE WEEK

Mr. JOHANNS. Mr. President, I rise today to recognize an industry that has helped shape our country since the days of our Founding Fathers.

This industry is part of the very fabric of my home State of Nebraska and of many States. It drives our economy, fosters ingenuity, and preserves the value of a handshake in our society. I am speaking about agriculture, an industry near and dear to this farm boy's heart.

What better time to celebrate the remarkable advances in agriculture than National Ag Week.

It is not because of my roots on a farm, nor my time as Secretary of Agriculture that I am inspired to speak today. It is because of the remarkable men and women who rise before the sun each morning to feed the world. They provide safe, abundant, and affordable food, fiber, and fuel. They are stewards of our natural resources and drivers of innovation.

More than 2 million farmers and ranchers contribute more than $300 billion to the U.S. economy each year. In Nebraska alone, agriculture contributes over $15 billion to the State's economy. Our leading commodities include: cattle, corn, soybeans, hogs, wheat, dairy products, and the list goes on and on.

It is estimated that each American farmer feeds more than 144 people, a dramatic increase from just 25 people per farmer in the 1960s. And, as our population and the global population continue to grow, demand for our food, fiber, and fuel products is growing, not just at home but around the globe. In fact, USDA projects that agriculture exports will set a new record, exceeding $135 billion this year.

It is estimated that every dollar in agriculture exports generates $1.36 in additional economic activities, including transportation, warehousing, and financing.

Nebraska's $4.8 billion in agricultural exports last year generates an additional $6.5 billion in economic activity. Now that is a big deal, particularly during these struggling economic times.

However, the demands facing our Nation's farmers and ranchers are daunting.

We should ensure the government is not adding unnecessary regulatory and paperwork burdens to their load.

Instead, we must empower our Nation's farmers and ranchers to continue to be among the most competitive, productive, and efficient in the world.

We should be actively promoting U.S. agriculture by enhancing renewable fuels; ensuring regulations are transparent and science-based; and creating international opportunities through enhanced trade agreements.

This last one should be easy, but this administration has made it difficult.

Congress has been waiting on the President to submit three free trade agreements, Colombia, Panama, and Korea for more than 2 years now.

It is estimated that this cumulative delay has cost almost $2.5 billion in lost agriculture exports per year.

And while we have been hobbled on the sidelines, our competitors, including, Canada, Brazil, Argentina, and the EU, have been full speed ahead on trade agreements that put U.S. agriculture at a disadvantage.

Instead of a maintaining market share and a preference for Nebraska grown wheat, corn, and beef, consumers in Colombia, Panama, and Korea could turn to our competitors.

That is because their trade agreements have lowered tariffs while ours collect dust on a White House shelf.

And once market share is lost by the United States, it is difficult to regain.

I have talked to colleagues on both sides of the aisle who understand this reality.

In fact, the chairman of the committee that oversees trade could not have been more clear in recent comments. Senator Max Baucus said:

''The Time Is Here. The Time Is Now. We're Losing Market Share Hand Over Fist.''

I could not agree more.

Yet, more than 2 years into their term, the administration still has failed to send us these pending trade agreements for approval.

Our Nation's farmers, ranchers and many American workers are asking for them.

They know that new orders will be placed and business will flow from the agreements.

New jobs will be created.

Instead of spending hundreds of millions of dollars to try to create jobs, how about we sign agreements that will do it for us?

Approving trade agreements increases spending: zero. Not one penny. Congress simply says, ''aye.''

Perhaps that simply makes too much sense for Washington.

The bottom line is that increased trade is one of many opportunities that will help to ensure a bright future for American agriculture.

There are many reasons to be optimistic.

One need only consider the breathtaking advances in productivity.

I have long said that our farmers and ranchers can compete with anyone in the world on a level playing field.

It is nothing short of phenomenal that average corn yields are now 160 bushels per each acre of land compared to only 53 bushels just 50 years ago.

Frankly, it is difficult to keep pace with the new technologies transforming agriculture.

Consider this. Thanks to biotechnology and improved farming practices, last year, American farmers nearly doubled their soybean production from 1980 levels, with just a 10 percent increase in total acres planted.

And did you know, some farmers now use satellite and GPS technology to apply water and fertilizer where and when it has the greatest benefit to crops.

American agriculture truly is a remarkable success story.

It is true that we have big challenges ahead for agriculture. I say bring them on.

Our producers have faced down every challenge set before them and I am confident nothing will stand in the way.

That is, assuming the Federal Government does not wrap so much redtape around them as to suffocate their ingenuity.

There simply is no more resilient bunch than farmers and ranchers.

How many Americans would be willing to work hard often 7 days a week, only to leave any profit in the hands of Mother Nature?

Only those who recognize that living close to the land comes with its own rewards, and feeding the world is a higher calling.

I would suggest that agriculture is the very foundation of our country's rich heritage. Our Founders clearly understood and appreciated the importance of agriculture.

George Washington once said he knew of ''no pursuit in which more real and important services can be rendered to any country than by improving its agriculture. . . . ''

Thomas Jefferson noted that ''Agriculture . . . is our wisest pursuit, because it will in the end contribute most to real wealth, good morals and happiness.''

National Ag Week is a good time to reflect on the rich agricultural history of this great Nation. It is a time to celebrate the exciting scientific advances and new opportunities.

One thing all my colleagues should be able to agree on: We owe our Nation's farmers and ranchers a sincere thank-you. Every time we go to the grocery store, we are reminded how little of our disposable income we spend in this great Nation because of the good work of our farmers and ranchers. We compare better in our country than just about any country in the world.

So we are grateful today for their good work. We say thank you to them for the food, fiber, and fuel that keeps our Nation strong.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. LANDRIEU. Mr. President, I would like to speak for about 10 minutes. I know Senator BINGAMAN is on the floor, and maybe other Members are coming to the floor to talk on other subjects.

REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

Ms. LANDRIEU. Mr. President, I guess we are technically still talking about our reauthorization of the SBIR and STTR Programs. Senator SNOWE and I have been working through the week to manage this bill on the floor, and I wish to again say how pleased I am with the progress we made this week. I know we have had about three or four votes on amendments, and there are others that are pending, but we have made progress. I truly appreciate the cooperation of all the Members.

This is a very important program. We have struggled, as I have said, for 6 years to get this program reauthorized. While everybody is running around fussing about programs that do not work, it is important for us to focus on those programs that do work, particularly those programs that work to create private sector jobs.

It is important for us to stay focused on reducing and, hopefully, eliminating our Federal debt and reducing annual deficits. That is going to be done when we do a couple of things all at one time. It is not going to be done by standing on the sidelines, slashing and burning discretionary domestic spending only, particularly some of the best programs in America. It is going to be done by thoughtful cuts and eliminations of some programs that don't work, some thoughtful eliminations and cuts to the Defense budget. It is going to be done by raising revenues where appropriate to close some of the gaps and taking back some of the excessive grants to high-end taxpayers, particularly those making over $1 million a year, in the view of this Senator. It is going to take some investments that can actually save taxpayer money in the long run, and cutting some mandatory programs.

We know—and I think it is becoming very clear to the American people—as this debate over the House CR and the debate over deficits and debt goes on, people are understanding this better and better. So one of the reasons I am personally happy to be on the floor this week is because I know the bill I am supporting and offering here to the Senate—hopefully getting to the House and then eventually to the President's desk—will create private sector jobs and close this deficit gap and begin to chip away, in a substantial way, at the debt. We need to grow our economy.

I have a chart I will put up in just a minute, but before I do that, I wish to show again a specific example of a program I am talking about so people will be very clear. Projects such as this were won by iRobot. This is just one example of the hundreds and thousands of small businesses that received either a contract or an award through this very important program.

DOD has the largest—over $1 billion—portion of their research and development budget. Prior to this program, almost 100 percent of that money went to big businesses or to universities and big businesses. Small businesses were summarily overlooked. Regardless of whether they had good technology, they really weren't let in the front door. This program we are talking about reauthorizing for 8 years creates that door and opens it for the small businesses in Louisiana, in Colorado, in New Mexico, in New York, and that is why we are going to fight hard for this program, to get it reauthorized and to the President's desk.

Let me give one example. The DOD needed more reliable, cost-effective robotic devices for going into caves, checking and diffusing IEDs.

I don't think I have to explain to anyone listening or any Member of this Senate the challenges our soldiers face in Afghanistan. I have been to Afghanistan. I have not been in caves in Afghanistan, but I have visited our troops there. I have heard their stories. I have seen pictures and read enough books to know the frightening thousands of miles of caves and crevices our soldiers are having to go into to hunt down Osama bin Laden, who still has not been found and captured, and to protect our forces overseas.

We have been in some ways as a nation kind of caught off guard about the

terrorist attacks and military strategies using explosive devices. I guess we knew this could be a tactic, but, honestly, we did not have what we needed to protect our troops to win the battles.

So this program steps up and says: OK, this is what we need. Let's go out and see who has the best technology. Instead of spending billions and billions and millions and millions of dollars giving a contract to a big company and getting them to go through all the rigmarole to develop it—it is kind of an off-the-shelf technology almost, except that we develop the idea and give a small business the opportunity.

Unlike large businesses, these small firms approach the project unencumbered by past research and approaches. They start with a clean slate. They often have innovative approaches that would be challenged by conventional large businesses. They often attract researchers fresh out of a university, such as iRobot, which started with two MIT students and their professors. Ideas that started just off the MIT campus have turned into a company with a market cap of now $400 million, with strong military and private sector sales.

My colleagues have probably heard of the private sector spinoff of the military robot, the Roomba, a product that vacuums while one is at work and has now sold over 5 million units in the United States. This is a different product than the IED robot I will speak about in a minute, but it is an example of one of these programs.

When our forces needed to go into caves and find IEDs, there was some technology that was developed in order to do that. The Navy has many examples. The Army has many examples. I am encouraged to see these outstanding opportunities.

This was in Bedford, MA. This is the iRobot I mentioned. I will get the chart for the IED explosive in just a moment. This is an example of some of the projects that have been funded. This is not just good for our soldiers, but obviously this company then became a company that went on to sell other products in the conventional market and created jobs along the way.

I know Senator BINGAMAN wants to speak on energy, and I am going to yield the floor and then come back later and put a few more things into the RECORD before this week ends so that when we come back in a couple of weeks, we will have built the strongest record possible for a vote as soon as possible on a program that works, that is cost-effective, that really creates some new technologies that help our soldiers overseas and help us vacuum our floors here at home and create American jobs in the process and help us to close this deficit and debt gap.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

BUDGET PROCESS

Mr. TOOMEY. Mr. President, I wish to share a couple of thoughts on the budget process that is underway and where we are with the continuing resolution we voted on this afternoon.

First, with respect to the CR, that was a tough vote for me. It was a tough vote because this is no way to run the government. We are here now dealing with business that should have been done last year. Unfortunately, last year the Senate didn't get its work done, didn't even do a budget, didn't go through the normal appropriations process. They started kicking the spending can down the road last year, and we are still in the midst of that. I am not sure how many continuing resolutions we have had at this point—three, four, five, six; I am losing track—but this last one for this next 3 weeks, frankly, is the last one I will vote for. This one I could support because it does sustain the lower level of spending as passed by the House. There are some tough cuts in that bill, but it is very necessary that we get serious about getting our spending under control. This is a small step in that direction.

I really want to urge my colleagues to bring an end to these 2-week, 3-week, short-term CRs. It is just kicking the can down the road. Let's resolve this. Let's get a funding measure in place that will fund the government for the remainder of this fiscal year and be done with it. We have serious work to do. We have a budget resolution we need to govern the spending that will occur for next year. We have process reform that we badly need. There is an awful lot that needs to be addressed, and this really just needs to get done. So I hope we will do that soon.

As we discuss the level of spending we are going to have in this CR that will continue from when the current one ends—hopefully, there will be just one more that will take us through the remainder of this fiscal year—it is very important that we get that level of spending down to at least the level that was passed in the House, and I want to talk about why.

I have looked at some of the individual cuts, and they are tough. They are going to make things difficult in many cases. But it is very necessary that we do this for the sake of beginning to restore some sense of fiscal sanity to get us on a sustainable trajectory.

One of the arguments I have heard from some of my friends on the other side of the aisle who have real concerns and objections in some cases to adopting a spending measure that does reduce spending—I would argue modestly over all—is that this will cost jobs; that if the government doesn't spend more than what is contemplated in the House-passed continuing resolution, we will lose jobs; that if we cut government spending, we will have lower employment. I am here to suggest that is exactly backward. That is precisely wrong. In fact, it is the exact opposite.

At the point we are now, the more the government spends, the fewer jobs we will have. And the sooner and the more quickly we bring this government into some sense of fiscal stability, the more employment we are going to have and the more job creation we are going to have. I think for many people that is common sense, but it is not universally accepted here. I understand that. But consider this: If all we needed to do was have the government spend more money to create jobs, then recessions would always be a trivial matter because we would just crank up some government spending and everybody would be back to work and we would be fine. But we know that doesn't work. It has never worked. If that is what worked, frankly, the economy would be booming right now.

We have been spending on a scale we have never even contemplated before. As a percentage of GDP, deficit spending, total spending, by any measure—the spending is at a record high, and yet unemployment is persistently much, much higher than we had hoped it would be, much higher than it typically is at this stage in what should be an economic recovery.

It isn't just this experience we can look at. We can look around the world. Countries that have lived beyond their means and where the government occupies a big segment of the economy and spends a great deal, those are not the more successful economies. In fact, those are the least successful economies. They have persistently high unemployment, low economic growth, low job creation, and a low standard of living. I think this is all widely recognized but not entirely so here in Washington.

Of course, it is true that the government can always create a job. The government can have a program that instructs someone to go out and hire someone, give that person a wage and, bingo, they have created a job. Government can always do that. Of course, the problem is that in the process, the government destroys jobs in the private sector. That is because the money that is necessary to create that government job has to come from somewhere, and it always comes from the private sector unnecessarily.

When the money comes from out of the private sector and goes to the government for the government to create a job, that does several things. First of all, the government tends to allocate resources much less efficiently than free men and women do in the voluntary exchanges of the marketplace, so you get politically motivated allocation of resources rather than market-oriented allocation, and this is widely acknowledged to lead to lower investment returns, less efficient investment, and therefore less job creation.

This isn't just theory. There is plenty of empirical data on this issue. I wish to observe for my colleagues and talk

about one particular chart that I think is a very helpful illustration because this kind of goes to the heart of my point. My point is that the job creation we desperately need right now is only going to come from the private sector. The sustainable jobs that lead to solid economic growth, permanent jobs, wealth creation, and real opportunity are going to come from the private sector, and that is driven by private investment. The more government spends, the more it crowds out private investment and precludes the very engine of economic growth and job creation we need.

The chart behind me is a great illustration of this. It is provided by John Taylor, a very well regarded economist whose work is highly respected and widely circulated. In this chart, Mr. Taylor illustrates that the unemployment rate is inversely related to private investment.

So when the private sector is making investments—and this can be investments in new business or in capital, but when private money is being put to work by business, as the percentage of the economy, the amount of this investment declines as a percentage of our economy, we see the unemployment rate go up.

When we see private investment growing, as it did for a sustained period from the early 1990s until the early part of this decade, we see the steady upward trend, and it was driving down the unemployment rate. It is clear that as this line goes down—the private investment line—the unemployment rate goes up. When it turns around and private investment as a percentage of our economy grows, the unemployment rate declines—not just for this period—and you can see the trend continues.

Again, we have another period after about 2000 of declining private investments as a percentage of GDP and a rising unemployment rate. Now that we have seen in recent years a long, pretty precipitous decline in private investment as a percentage of our economy, we see this huge increase in the unemployment rate.

These lines—at a quick glance, you can see it—are almost a mirror image of each other. This is a great illustration of a simple and well-known fact: It is private investment that drives job growth.

When the government gets too big, as ours is today, and when it spends too much money, as this one does, and when the deficit gets too big, it crowds out and precludes the private investment that drives job growth. That is why it is so important that we get spending under control. That is why it is so important that we pass a continuing resolution that will fund the government for the rest of the year, at the lowest possible level we can reach an agreement on, because lower spending is going to drive job growth.

There are several other aspects to this fact that lower spending will lead to greater job growth. Everybody knows that higher government spending eventually leads to higher taxes. We are at this point now where we have this huge shortfall in the revenue relative to the amount of money that is being spent. So any potential investor wonders, how much are taxes going to go up? When will they go up? Are they going to go up on me, or on my investment, or on my labor?

These are the uncertainties we in Washington have introduced into the economy. But everybody who is contemplating an investment has to wrestle with this question. Uncertainty is the enemy of private investment and job growth.

The other possibility is that instead of a tax increase, maybe there will be a debt crisis. We are borrowing money on such a huge scale, it is not at all clear that we can continue that. I guarantee we cannot continue this indefinitely. I don't know how much longer it can continue. That is a very dangerous thing to flirt with—ever higher levels of debt and the expectation that lenders will lend us money when there are such large percentages of our economy.

There is another variable in the mix, and that is the danger that the central bank, the monetary authority, will decide maybe the easiest way out of this mess is to print money.

This is a road that has been gone down many times before in many parts of the world. It always leads to a disaster. Monetizing the debt is the way many governments have chosen to deal with excessive spending. I am very worried now about the policy of the Fed, and QE2 is the policy by which they are currently monetizing more than half of the deficit we are running this year. That is a dangerous policy. Combine that with the beginnings of this fiscal imbalance and imprudent policy, together with this very accommodative monetary policy, and this is a very dangerous mix.

What we can do in the short run, and what we ought to be doing right now, is addressing the spending problem that is at the heart of all of it. It is driving this. In my view, that starts with the continuing resolution that will fund the government for the remainder of this year. We passed one that will fund the government for the next 3 weeks, but I wish it had been for the remainder of the year. We have no time to waste; we have to get this resolved and we have to move on to a budget that brings our spending and revenue into balance, without raising taxes and ruining economic growth.

This should be the big priority for this body. I hope when we get back from this recess, this is what we will be working on—the spending measure to close out this fiscal year, a budget that will put us back on a sustainable path, and progrowth policies that will lead to the job creation we need.

With that, I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, I ask unanimous consent to speak for 15 minutes as in morning business.

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

OIL AND GASOLINE PRICES

Mr. BINGAMAN. I want to take a few minutes to discuss high oil and gasoline prices. I think when we get home to our respective States this next week, we are going to find that many of the people we represent are understandably concerned about the rising price of gasoline at the pump. They have good reason to be concerned.

Senator MURKOWSKI and I hosted a Senate-wide briefing on Tuesday afternoon with three top oil industry analysts. We had Dr. Richard Newell, the head of the Energy Information Administration; Mr. Bob McNally, who was part of the Bush administration's White House team on energy markets; Mr. Frank Verastro, who is the head of the Energy and National Security Program at the Center for Strategic and International Studies. They gave us their insights and explanations as to what is causing the rise in the price of gasoline at the pump.

Let me go through four charts to try to summarize what they told us at that briefing. I think it is very useful information for my colleagues, and anybody else who is interested in the subject.

This first chart is labeled ''Gasoline Prices Reflect the Cost of Crude Oil.'' A fundamental truth, which they all subscribe to, is that the primary driver of the price of gasoline at the pump is in fact the price of crude oil on world markets. This chart demonstrates that. It shows the price trends since 2005 for gasoline; that is the yellow line on the chart. It shows the price of crude oil; that is the green line. While some past gasoline price spikes can be attributed to phasing out the additive MTBE, for the last 3 years gasoline price movements have tracked global crude oil prices. So the idea that our gasoline prices are high today because of some particular action the Obama administration has taken is not supported by the facts.

The reasons for the current crude oil price increase are equally straightforward. In listening to each of the analysts highlight the factors he thought were important in explaining why crude oil prices are at the levels we have not seen since 2008, I was struck by two explanations advanced in many of the political speeches in Washington and around the country about oil and gas prices. Frankly, the conclusions, or the allegations, or the arguments made in those political speeches did not comport with what the analysts told us.

First, none of the experts who talked to us highlighted the administration's permitting process in the Gulf of Mexico as being a significant factor in determining world oil markets. I asked Dr. Newell whether the current pace of permitting had any implication for the

Energy Information Administration's short-term forecast. His answer was refreshingly direct; he said, ''No.'' I will point out that neither of his co-panelists disagreed with that conclusion.

Second, any anticipated Environmental Protection Agency regulation of greenhouse gas emissions at refineries was not included in any of the presentations as a driver behind the current increase in prices. In fact, more broadly, neither the EPA nor any kind of U.S. regulations were discussed as important to understanding world oil prices. I know some of my colleagues remain concerned that we have not built a new refinery in the United States since the 1970s. I assure them that the data suggests that their concerns are not well-founded at this particular point. Demand for refined products is believed to have peaked in the United States. At the moment, 17 percent of our existing refining capacity in this country stands idle, and that is not because of environmental regulations; it is because demand for refined products has come down. In my opinion, it doesn't make a lot of sense to be debating whether we need new refineries, when we are not using the capacity we already have in existing refineries.

Having explored those factors that are not influencing oil price movements, let me discuss factors that are contributing to increased oil and gasoline prices.

The bulk of the discussion at this briefing we had on Tuesday about high oil prices was about what is going on in the Middle East and North Africa. This chart depicts what happened to the price of oil. This says ''U.S. Oil Prices, January through March 2011.'' From the beginning of this year, until the current time, I think it is obvious that the major force driving oil prices is the instability we have seen in the Middle East and North Africa.

When the world's key oil-producing and exporting region—which is the Middle East and North Africa—is unstable, world oil markets are also unstable.

When political unrest threatens major chokepoints in the world oil transit routes, world oil markets react as they have.

When a member of OPEC, the Organization of Petroleum Exporting Countries, stops exporting oil, which has virtually occurred in the case of Libya, world oil markets react.

Also, when there are fears that a nearby neighbor, and a close ally of Saudi Arabia, home of the world's largest oil production capacity, begins to have political upheavals, that raises tensions in world oil markets as well.

So as you can see from this chart, oil prices are very sensitive to these kinds of developments. Oil prices went up as regime change was realized in Egypt, amid concerns about access to the Suez Canal. Prices quickly came down again as it looked increasingly unlikely that traffic through the canal would be disrupted.

Then Libya became the first major oil-exporting country to be affected by the wave of popular uprisings spreading throughout the Middle East and North Africa, and oil prices reacted immediately, indicating market concerns that the situation might get worse before it got better. It, indeed, has worsened. We have virtually all Libyan oil exports terminated or stopped or suspended. Sanctions against Qadhafi's government, combined with chaos on the ground in Libya, have driven Libya's exports to near zero. There is little hope for improvement, so far, in the near future.

We are just beginning to face a potential further escalation of tensions in the region. On Monday, of course, Saudi Arabia sent troops across the causeway onto the island neighbor Bahrain. This adds to world tension.

World oil markets have reacted to this tension with expectations—and I am avoiding using the more politically loaded term ''speculation,'' although I do believe that word is appropriate—that the situation is at risk of getting worse before it gets better.

Into this uncertain environment, we now have a new source of even greater uncertainty. The earthquake that has plagued the island nation of Japan, the ensuing tsunami, and the nuclear disaster that struck Japan—all of that has introduced the possibility that the world's third largest economy might be consuming less oil in the near future than was earlier assumed.

Worldwide markets have again reacted, this time by falling to under $100 per barrel as we try to better understand the size and the scope of the disaster our Japanese friends and allies are facing.

What can Congress do to help ease the burden of high prices for U.S. consumers when oil prices are determined mostly outside our borders, as I think they clearly have been?

A realistic, responsible answer has to be focused on becoming less vulnerable to oil price changes over the medium and the long term. By doing so, we become less vulnerable by using less oil.

I believe increased oil production can play a significant role in world oil markets. The United States has fairly modest resources compared to much of the world. Our base of proven reserves is small. Many people have observed that the United States has less than 2 percent of the world's proven reserves.

Despite what economists and analysts agree is a relatively modest resource oil base, the oil and gas industry in the United States has led the world in developing state-of-the-art technology for exploration and production. Our companies are continuing to get more oil out of the ground and into world oil markets than any of us could have believed was possible. To use a boxing metaphor, we are punching above our weight in oil and gas production thanks to the technology lead our companies have developed.

According to the Energy Information Administration, oil production in North Dakota has risen by 150 percent since 2005. That is all from the Bakken shale formation. This is due to the advent and application of new drilling technology. It is a success story that we all can celebrate.

Let me talk about this third chart. Oil production is up strongly across the United States in the last few years. This chart demonstrates that current increases in oil production are a significant change from what we have seen in the last several decades. We have not had to repeal any environmental laws to achieve this or change the protections that apply on public lands.

Let's not forget that even with U.S. production strongly increasing oil prices have also been increasing. While domestic oil production plays an important role in ensuring the energy security of the country, its contribution to the world oil balance is just not sufficient to bring global oil prices down. It is, therefore, not a complete answer to the high oil and gas prices that tax our consumers and threaten our country's economic health.

This leads me to conclude that the key to reducing our vulnerability to world oil prices and volatility is for us to find ways to use less oil. We need to diversify our sources of transportation fuel. We need to set ourselves on the right path, as we did when we passed the Energy Independence and Security Act of 2007. That law required us to make our vehicles more efficient and to shift toward relying more on renewable fuel.

This final chart shows the Energy Information Administration's long-term forecasts for U.S. dependence on imported oil as predicted prior to the passage of that 2007 bill, and what they now predict it is after the passage and implementation of that bill.

There are two main features of this graph that I think are noteworthy. First, prior to the enactment of this bill in 2007, the Energy Information Administration had been predicting that U.S. reliance on imported oil would continue to increase. In large part, because of the biofuels and the fuel efficiency policies that we included in that act, the latest forecast shows our reliance on imported oil probably peaked, in fact, in 2005, and is now going down and is expected to continue going down for the rest of this forecast period, which is out to year 2035.

Second, the amount of oil we now will not need to import from today to 2035—that is, the oil that we will be able to save because of the Energy Independence and Security Act we passed in 2007—amounts to about 26 billion barrels. That compares to the previous forecast.

What I am saying is, the difference between the blue line, which is the earlier projection, and the red line, when we take that out to 2035, the total oil involved there is 26 billion barrels. This amount is greater than the total U.S. proven oil reserves, which are estimated at 23 billion barrels. I hope we

can all agree this has been a significant success.

How do we continue on this path toward reducing our oil dependence? I will conclude by highlighting three areas, three key goals I hope we can focus on in the Senate in the coming weeks.

First, we need to enable further expansion of our renewable fuel industry, which is currently facing infrastructure and financing constraints.

Second, we need to move forward the timeline for market penetration by electric vehicles.

Finally, third, we need to make sure we use natural gas vehicles in as many applications as makes sense based on that technology.

Every barrel of oil we displace from the transportation sector and we, therefore, do not need to consume in the United States makes our economy stronger—not to mention our personal pocketbooks—and less vulnerable to the volatility of the current marketplace.

We need to keep drilling. We are good at that. It is helpful to have more supplies on the world market. I am not arguing against that. But at the same time, we need to recognize that the long-term solution to this challenge is to move away from such great dependence on oil. This is a strategic vision President George W. Bush, who previously had worked in the oil industry, clearly articulated in his 2006 State of the Union Address. We subsequently proved in Congress, in 2007, the year after that State of the Union Address, that we have the ability to make significant changes in our energy consumption and that it is possible to mobilize a bipartisan consensus to do so.

The bipartisan path we laid out in the Energy Independence and Security Act in 2007 is the right approach. As part of whatever bipartisan approach we take to energy in the weeks and months ahead, we need to continue moving in this same direction.

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

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

The legislative clerk proceeded to call the roll.

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

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

THE PUBLIC EMPLOYEE PENSION CRISIS

Mr. HATCH. Mr. President, I rise to speak on a matter of great importance to the economic health of State and local governments. I am talking about dangerously underfunded employee pensions.

We hear about this problem every day in States such as Illinois, California, New Jersey, and many others. It is a multitrillion-dollar problem. Let me repeat that. The underfunding of these pensions runs into the trillions of dollars. Not billions, trillions.

How did this happen? There are two primary causes. First, governments have promised too much money in lifetime pensions; and, second, governments have not set aside enough money to pay for those pensions. The shortfall between the money that has been promised and the money set aside is called underfunding, but that is just a sterile accounting term that means we don't have enough money to pay the bills. Where I come from, that is called being broke. It is bad enough when you go broke because you have been irresponsible with your own money. Yet it is a tragedy when governments go broke being irresponsible with taxpayer money.

That is what I fear we are watching as this public pension crisis unfolds. There have been many studies in recent years of our public pension crisis. There is no question about whether this crisis exists. The only question is the magnitude of the crisis.

One prominent study by scholars at the Kellogg School of Business at Northwestern University estimates that public pension plans are underfunded by over $3 trillion. That is a lot of money. An analyst at the Brookings Institute says public pensions are $2.5 trillion in the red. A study published last month found that all by itself, California has a $240 billion pension shortfall. You heard that right. California alone has a pension debt of $¼ trillion. Some have estimated that Illinois is in even worse financial shape.

If the States and localities do not act aggressively to address these shortfalls, then the question will not be whether the States will become insolvent but when? Regardless of whose numbers and which study gets the closest to the mark, there is no denying that public employee pensions face a multitrillion-dollar shortfall in the aggregate.

Though none will deny this shortfall. Some will seek to shift the blame and shirk responsibility for this crisis. I want to nip in the bud one of the arguments of those interests who would prefer to ignore this crisis. They will argue this is not a problem of too many pension promises and the underfunding of those promises. They will try to divert attention from the fact that public employee pensions have too often not been funded on a sound basis. Instead, they will say the pension funding problem is owing to the 2008 economic crisis and the big businesses that, they say, caused it. This is way off the mark. But don't trust me, trust the numbers. This pension shortfall existed before the recession, and an attempt to lay blame at the feet of Wall Street or big business or some other group is just plain blame shifting.

One aspect of the problem is that governments have been slow—and public employees have been resistant—to transitioning to the types of retirement plans that private sector workers have been living with for years. The rest of the world has moved toward 401(k)-style plans, called defined contribution plans. In these plans, costs are lower and more predictable. They fit well with an increasingly mobile and dynamic workforce. Yet governments have remained wedded to expensive, traditional pension plans for far too long.

These old-style traditional pension plans—defined benefit plans—owe a monthly payment for life to each employee regardless of how much money the government has set aside, regardless of how well the pension assets have been invested, and regardless of whether the ratio of active workers to retirees has remained stable. For most private companies these plans proved simply unsustainable, and over time they moved toward more flexible retirement plans for employees. Yet as usual, government is slow. It is slow to innovate and slow to adapt.

So even though these defined benefit plans had the potential to cause enormous financial problems for governments, governments stuck with them. Private companies learned long ago that traditional pension plans are too expensive for most businesses.

In 1985, 80 percent of medium and large private companies had a traditional pension plan. Today, just 30 percent have a traditional plan. By contrast, 84 percent of State and local government workers are covered by high-cost traditional pension plans. And government is not just any employer. Governments only exist because of taxpayers.

Ultimately, taxpayers are the employers of government employees. Yet these governments are living in the past, playing irresponsibly with taxpayer money, and leaving taxpayers to foot the bill for too many lifetime pension promises.

So why do these lifetime pension guarantees continue? There are many reasons, but at the top of the list is the unique character of government as an employer. Private employers moved away from traditional pensions to more affordable 401(k)-style plans because they can't stay in business if they ignore economic reality. Yet governments have kept their unaffordable traditional plans, often because public employee unions use taxpayer-funded union dues to elect State and local politicians and then ask the same politicians they just elected for costly pension deals at taxpayer expense.

When a union bargains with a private employer, employer and employee have an interest in the business continuing as a viable enterprise. If the benefits are costly and uncontrollable, the business goes under and everyone is out of a job.

But where are the interests in a negotiation between a public employee union and the person they just helped to elect to office? Where are those interests? Union bosses are sitting across the table from the Governor of the

State—the Governor they just helped to elect with millions in campaign contributions—and they ask him for a costly, guaranteed lifetime retirement package, often with little or no cost-sharing by the public employee. What is a politician going to say? Sorry, but I can't help you? I doubt it.

I want to read something from the Wall Street Journal. On October 22, 2010, just prior to the last election, the Journal carried a story about the role the American Federation of State, County and Municipal Employees, or AFSCME, was playing in that election. According to the journal:

> The American Federation of State, County and Municipal Employees is now the biggest outside spender of the 2010 elections. The 1.6 million-member AFSCME is spending a total of $87.5 million on the elections after tapping into a $16 million emergency account to help fortify the Democrats' hold on Congress. Last week, AFSCME dug deeper, taking out a $2 million loan to fund its push. The group is spending money on television advertisements, phone calls, campaign mailings and other political efforts. ''We're the big dog,'' said Larry Scanlon, the head of AFSCME's political operations. ''But we don't like to brag.''

''We are the big dog.'' That about sums it up. And when the big dog barks, it expects the people it helped elect to jump. Why do you think they are spending all this money? Because public employee unions care about global warming?

Richard Trumka, the head of the AFL–CIO, a man I respect, has said he talks with the White House every day and visits a couple times a week. Why do people think he is doing that? Playing pick-up basketball with the President? He is talking about how to benefit his unions, and lately that means public employee unions.

There were some recent reports suggesting that Organizing for America—a Democratic National Committee project designed to reelect President Obama—was helping to foment the protests in Wisconsin. These unions are spending big-time money to elect politicians because they know the politicians will deliver big-time benefits. But the chickens are coming home to roost. As we are seeing in State after State, the markets have something to say about these collusive relationships and the benefits they secure. The credit-rating agencies have announced they will begin factoring unfunded pension obligations into the calculations they use to rate the creditworthiness of States. This is significant because the total value of State bond debt is estimated to be around $1 billion, while pension debt is at least two or three times that amount.

State credit ratings reveal another aspect of the State budget crisis. The five States that prohibit collective bargaining of retirement benefits have Moody's highest credit rating. California and Illinois, which allow collective bargaining of retirement benefits for public employees, have the lowest credit rating among the 50 States. The next four lowest States also allow collective bargaining.

Illinois is in the worst shape of all, with less than 40 percent of the funds needed to pay its public employee pensions. The Illinois situation is so dire that for the last 2 years the State has had to borrow money just to make its pension contribution. This year Illinois had to pay a 2-percent higher interest rate just to borrow money to contribute to its pension program. Now, this is madness, and it cannot go on forever.

Thirty years ago the Federal Government moved away from an expensive traditional pension plan and set up a basic pension plan in combination with a 401(k)-style defined contribution plan. The system has worked well so far, although at some point we might need to reform Federal pensions too. Some forward-looking States have begun moving to 401(k)-style plans.

In my own home State of Utah the traditional pension plan is being replaced. New employees are being given a choice between a 401(k)-style plan and a hybrid plan with a combination of traditional and 401(k)-style features.

Last year Governor Chris Christie in New Jersey added a 401(k) plan for a portion of the New Jersey workforce. In Kansas, Governor Sam Brownback and the Kansas Legislature are studying the possibility of converting their pension system into a 401(k)-style plan. In Wisconsin, Governor Scott Walker has asked that the State study the feasibility of establishing a 401(k)-style plan.

There are many potential solutions to the public pension crisis, and all of them should receive consideration. We should be encouraging these courageous Governors on rather than demonizing them and demagoguing this issue. I, for one, would like to congratulate the Governor of Wisconsin for his bold stand on the issue of public employee benefits. The victory he secured last week is significant. He stood responsibly for the long-term interests of his State rather than doing the easy thing and caving under the pressure of union-organized protests and the childish and disrespectful resistance of Democratic lawmakers who chose to flee the States rather than engage in this debate.

Governor Walker understands our greatest enemy is delay. The director of the Pew Center on the States has said that while these problems are significant, they can be solved if we act now. If we wait, the crisis will become unmanageable.

Mr. President, it is my intention as ranking member of the Finance Committee to find a way to address the public pension crises if State and local governments don't step up to the plate. I am under no illusions this will be an easy task. The problem is both large and complex. There are many potential solutions that must be studied, and some will not be pleasant.

Some of my colleagues in the Senate have a proposal to address the problem, and I will be working with them as well. I do not have all of the answers yet, and I have not settled on what I believe are the best solutions. But we are working hard and talking to the experts about the best way to proceed.

I am sure of one thing, however, and I want to be 100 percent clear about this. There will be no Federal bailout of any State or local government. Let me just repeat that. No Federal bailout.

Just last month, after Illinois sold its high-interest bonds, the Governor indicated that he plans to ask for a Federal guarantee. Well, Governor, you can save your breath. The answer is, no.

We cannot ask taxpayers and the rest of the country to pay for underfunded pensions in Illinois, California, or any other State that made promises it clearly cannot keep. To do so would be more than unfair; it would be immoral. A Federal bailout cannot happen, and it will not happen.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

IRAN'S HUMAN RIGHTS ABUSERS

Mr. KIRK. Mr. President, I rise today to speak about the deteriorating human rights situation in Iran.

We understand that Esfandiar Rahim Mashaei—Iranian President Mahmoud Ahmadinejad's Chief of Staff will be arriving in the United States as early as tomorrow.

Mr. Mashaei is a close friend and trusted adviser of President Ahmadinejad. Their kinship began in 1982 when President Ahmadinejad was governor of Khoy in West Azerbaijan and the Intelligence Ministry appointed Mr. Mashaei to the security team in the Kurdistan region next door. Since then, Mr. Mashaei has been a member of Ahmadinejad's inner circle.

The world knows of President Ahmadinejad's public incitement against Jews and Israel—most infamously with his pledge to wipe Israel off the map. But the world may not know the virulent anti-Israel and anti-Semitic views of his trusted adviser.

In 2008, Mr. Mashaei told Sudanese President Omar Hassan Ahmad al-Bashir:

> The corrupt and criminal Zionist regime is harming not only the Arab and Islamic world, but humanity in its entirety . . . in order to save humanity from its different crises, there is no other way other than the limiting of Zionist influence on human society, because the root and origin of most of the world's current crises are related to Zionism.

Shortly after the discredited Iranian Presidential election in June 2009, Mr.

Mashaei was appointed Presidential Chief of Staff—after a very brief and unsuccessful attempt to serve as the first Vice President of Iran.

Since then, the persecution and repression in Iran has steadily increased. Thousands of peaceful protesters, dissidents and activists have been detained.

Let there be no doubt, Mr. Mashei, like his President, is directly responsible for human rights abuses in Iran. He should not be granted a visa to enter the United States and he, like his President, should be designated under U.S. law as a human rights abuser in Iran.

Mr. Mashaei's visit will come just 4 days after the United Nations Secretary-General released an interim report on the human rights in Iran.

The report states:

The human rights situation in Iran has been marked by an intensified crackdown on human rights defenders, woman's rights activists, journalists and government opponents.

Concerns about torture, arbitrary detentions and unfair trials continue to be raised by UN human rights mechanisms.

Additionally:

Discrimination persisted against minority groups, in some cases amounting to persecution.

A worrying trend is the increased number of cases in which political prisoners are accused of Mohareb—or enmity against God—offences which carry the death penalty.

At least 22 people charged with Mohareb have been executed since January 2010.

Journalists, bloggers, human rights defenders and lawyers continue to be arrested or subjected to travel bans. Blogs and Web sites are restricted and now more than 10 national dailies have been shut down for refusing to toe the official line.

Concern remains over a lack of due process rights and the failure to respect the rights of detainees.

Particularly, ''concerns were expressed at routine practice for incommunicado detention, use of torture and ill-treatment in detention, use of solitary confinement and of individuals without charges.''

Finally, ''concerns were expressed in public about people sentenced to death often do not have access to legal representation and their families and lawyers are not even informed of the execution.''

The report continues to detail the Iranian persecution of religious minorities, especially the Baha'i. The report notes concern for six members of the Baha'i community arrested by officials from the Intelligence Ministry in the months of June and July 2010—and the seven Baha'i community leaders recently sentenced to 10 years in prison.

Regarding Iran's persecution of its Kurdish minority, the report notes:

Members of the Kurdish community have continued to be executed on various national security-related charges including Mohareb. At least nine Kurdish political prisoners, including Jafar Kazemi, Mohammad Ali Haj Aghaei, and Ali Saremi were executed since January 2010, and several others remain at risk of execution.

And regarding Iran's persecution of Christians, we read:

Reports also continued to be received about Christians, in particular converts, being subjected to arbitrary arrest and harassment.

The Secretary-General's report follows others by our own State Department and human rights groups like Amnesty International and Human Rights Watch.

While we expect the State Department to release its 2010 country human rights reports on March 25, these are a few highlights from the 2009 report on Iran.

Security forces were implicated in custodial deaths and the killings of election protesters and committed other acts of politically motivated violence, including torture, beatings, and rape.

* * *

The government administered severe officially sanctioned punishments, including death by stoning, amputation, and flogging.

* * *

Authorities responded to all the demonstrations with raids on opposition activists' offices.

* * *

Some prison facilities, including Evin Prison in Tehran, were notorious for cruel and prolonged torture of political opponents of the government. Authorities also maintained ''unofficial'' secret prisons and detention centers outside the national prison system where abuse reportedly occurred. The government reportedly used white torture—prolonged solitary confinement with extreme sensory deprivation—especially on political prisoners, often in detention centers outside the control of prison authorities, including Section 209 of Evin Prison.

* * *

The government threatened, harassed, and arrested individuals who posted comments critical of the government on the Internet; in some cases it reportedly confiscated their passports or arrested their family members.

Amnesty's 2010 report on human rights in Iran starts with the following summary:

An intensified clampdown on political protest preceded and, particularly, followed the presidential election in June, whose outcome was widely disputed, deepening the long-standing patterns of repression. The security forces, notably the paramilitary Basij, used excessive force against demonstrators; dozens of people were killed or fatally injured. The authorities suppressed freedom of expression to an unprecedented level, blocking mobile and terrestrial phone networks and Internet communications. Well over 5,000 people had been detained by the end of the year. Many were tortured, including some who were alleged to have been raped in detention, or otherwise ill-treated. Some died from their injuries. Dozens were then prosecuted in grossly unfair mass 'show trials.' Most were sentenced to prison terms but at least six were sentenced to death.

* * *

The election-related violations occurred against a background of severe repression, which persisted throughout 2009 and whose victims included members of ethnic and religious minorities, students, human rights defenders and advocates of political reform. Women continued to face severe discrimination under the law and in practice, and women's rights campaigners were harassed, arrested and imprisoned. Torture and other ill-treatment of detainees remained rife and at least 12 people died in custody. Detainees were systematically denied access to lawyers, medical care and their families, and many faced unfair trials.

In its 2011 World Report chapter on Iran, Human Rights Watch writes:

Iran's human rights crisis deepened as the government sought to consolidate its power following 2009's disputed presidential election. Public demonstrations waned after security forces used live ammunition to suppress protesters in late 2009, resulting in the death of at least seven protesters and, I would add, we all remember Neda, who was killed online. Authorities announced that security forces had arrested more than 6,000 individuals after June 2009. Hundreds—including lawyers, rights defenders, journalists, civil society activists, and opposition leaders—remain in detention without charge. Since the election crackdown last year, well over a thousand people have fled Iran to seek asylum in neighboring countries. Interrogators used torture to extract confessions, on which the judiciary relied on to sentence people to long prison terms and even death. Restrictions on freedom of expression and association, as well as religious and gender-based discrimination, continued unabated.

The report continued:

Authorities systematically used torture to coerce confessions. Student activist Abdullah Momeni wrote to Supreme Leader Ayatollah Seyed Ali Khamenei in September describing the torture he suffered at the hands of jailers. At this writing no high-level official has been prosecuted for the torture, ill-treatment, and deaths of three detainees held at Kahrizak detention center after June 2009.

We cannot allow these violations to go unnoticed. Nor can we continue to turn a blind eye to the countless prisoners of conscience fighting for basic human dignity in this brutal dictatorship.

It is time we take a stand for people like Nasrin Sotoudeh, detained for her work as a human rights lawyer, women's rights activist, and defender of children who face capital charges; Hossein Ronaghi-Maleki, detained for his work as a blogger and human rights activist. He has been refused medical treatment for kidney failure; and Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naeimi, Saied Rezaie, Behrouz Tavakkoli, Vahid Tizfahm, Mahvash Sabet—all detained for their leadership in the Baha'i community.

As of today, the precise whereabouts of opposition leaders Mehdi Karroubi and Mir Hossein Mousavi, and their respective wives Fatemeh Karroubi and Zahra Rahnavard, remain unknown following their arrest and detention in February. Meanwhile, according to international human rights organizations, the whereabouts of hundreds of Iranians, including journalists and political activists, arrested just before the February 14 opposition protests remain unknown.

To each of them, I echo President Reagan's words: ''I came here to give you strength, but it is you who have strengthened me.''

As we approach the Iranian New Year celebration of Nowruz, it is time for

the President to demonstrate this administration's commitment to the Iranian people's struggle for human rights.

We know that Iranian President Mahmoud Ahmadinejad, Iranian Presidential Chief of Staff Esfandiar Rahim Mashaei and other senior Iranian government officials are directly responsible for and complicit in ordering, controlling, or otherwise directing the commission of serious human rights abuses against the people of Iran on or after June 12, 2009.

Pursuant to Executive Order 13553 and the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, the President should designate these individuals as human rights abusers and reaffirm our core American values: freedom, democracy and human rights.

I would just end by quoting from section 105 of the Comprehensive Iran Sanctions Accountability and Divestment Act of 2010, signed by the President into law last year. It requires that the executive branch produce a list of persons who are responsible or complicit in certain rights abuses. It says:

> Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of persons who are officials of the Government of Iran or persons acting on behalf of that Government (including members of paramilitary organizations such as Ansar-e-Hezbollah and Basij-e Mostaz'afin), that the President determines, based on credible evidence, are responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Iran or their family members on or after June 12, 2009, regardless of whether such abuses occurred in Iran.

Clearly this official about to arrive in the United States meets the standard under section 105 of CISADA, and the U.S. administration should designate him as an abuser of human rights. He should not be admitted entry into the United States.

We should call it the way we see it, which is, this is one of the most dangerous human rights-abusing officials that we know of. Comprehensive data now exists from Human Rights Watch, from Amnesty International, even from the United Nations on what this man has directed. He should not be given a visa, and he should be so listed under U.S. law.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

IRAN SANCTIONS ACT

Mr. BLUNT. Mr. President, I rise to speak on an issue I feel I have spent a lot of time talking about in recent years but without much effect on either of the last two administrations. This is the issue of the Iran Sanctions Act. Congress has worked in a bipartisan way to strengthen and expand the Iran Sanctions Act, but in spite of our repeated efforts, the administration has not been willing to use the tools the Congress has given them.

In my mind—and I am sure in the minds of a great many of my colleagues—nothing would be more destabilizing to the Mideast region and to Middle Eastern regional security or global security than Iran's development of a nuclear weapon. I will not spend a lot of time talking about why that is because I doubt there is any Member of this body who is not aware of how dangerous this situation is or could be, which is why it is even more frustrating that we have not been able to get the administration to push a more robust set of sanctions using the sanctions policy and the sanctions tools we have given them.

During the 15 years between the time the Iran and Libya Sanctions Act was passed, in 1996, and last year, no meaningful application of these sanctions was ever adopted. From 1996 until last year, no meaningful application has ever been adopted.

In 2006, I worked closely with the Bush administration to pass a bill known as the Iran Freedom Support Act, to improve the menu in the choices of sanctions available to that administration and future administrations. Under that bill, Congress codified some of the executive actions President Clinton and President Bush appropriately took and ensured that these tools became more permanent.

Last year, alarmed again at the administration's disinterest in using the sanctions available to it, Congress again acted to tighten our sanctions policy. The Congress sunsetted the State Department's period of investigatory review to ensure that once an investigation is launched, it has to be concluded. It is now up to the Obama administration to pursue a vigorous sanctions policy that sends the message to Iran that: You are isolated in the world and the world will not tolerate this nuclear program.

On March 26, 2009, I sent a letter to Secretary Clinton asking for clarification on why the administration had not fully implemented sanctions against Iran. I had sent a similar letter to Secretary Rice in 2007, suggesting—in fact, stating—that the Bush administration was similarly delinquent in its enforcement efforts. We have given them the tools, but, simply, these administrations, in both cases, have not used those tools.

Fortunately, we now see the first indications that we are beginning to head in the right direction. Last fall, the State Department announced sanctions against Naftiran, a Swiss subsidiary of the National Iranian Oil Company. In an appearance before the Senate I was at with Secretary Clinton a few days ago, I was positive about my sense that this was a big step in the right direction but really only one step. Since the Iran Sanctions Act, this is the first time ever the act has been used. I am pleased it has been used, but, remember, it is the first time ever it has been used.

This action—to make it even more important that it is being used and frustrating that it hasn't been used—by the State Department had an immediate effect, as I and many others have been suggesting it would since the passage of these tools to the administration. Within days of the State Department's actions against Naftiran, and according to news reports at the time, European firms such as Royal Dutch Shell, Total, Statoil, and Italy ENI announced they would pull operations out of Iran's energy sector—exactly the kind of impact the Congress had hoped this would have.

On September 29, 2010, Deputy Secretary Steinberg announced the State Department's initiation of investigations into international firms that had not yet committed to exit Iran's petroleum sector. While the full list of these firms remains classified, publicly available reports suggest that list includes at least a dozen firms, many of which are Chinese, including the Chinese National Offshore Oil Company, Chinese National Petroleum Company, and Unipec. Other firms come from Germany, from Turkey, and from Venezuela. The list also includes the Industrial Bank of China, the China Construction Bank, the Agricultural Bank of China, and the Bank of China, which are reportedly providing financial services to Iranian interests in violation of the Comprehensive Iran Sanctions Act.

Under the law that now governs our sanctions policy, the State Department has 6 months to complete these investigations before announcing whether these entities will face sanctions. These notifications are due by March 29 of this year. I am very hopeful the State Department report sends the right message on March 29. It has been a long time for those of us who have advocated that this kind of action would produce the right kind of results.

U.S. sanctions policy should complement the international sanctions effort underway at the U.N. and other international venues. There is no reason we can't pursue a strategic sanctions policy that ensures companies operating in the United States or affiliated with U.S. entities don't invest in Iran's energy sector. It is time we demonstrated that we are serious about this before it is too late.

We have now taken the first step in the right direction. It has produced exactly the results we had hoped those steps would take. I and others anxiously await the report that will come out between now and March 29 to see what the next steps are, and then we will be looking carefully to see what

the reaction to those actions is. I hope we continue to show we are serious, that sanctions will only work if the nations involved—and particularly the United States—follow their own policies and use their own tools.

I note the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

NATURAL RESOURCE POTENTIAL

Ms. MURKOWSKI. Madam President, I have come to the floor this evening to discuss America's tremendous natural resource potential and to again highlight the fact that if we choose to, we can absolutely produce more of our energy to meet more of our Nation's needs. I also wish to address an argument that is often made in opposition to new domestic production, because I believe each and every Member of this Chamber needs to know the facts and the consequences of our current approach.

Without a doubt, understanding how much energy we have is at the very foundation of an energy policy. The Presiding Officer sits on the Energy Committee with me and we talk about our Nation's energy policy. When we talk about an all-of-the above, balanced energy portfolio, it is important to understand what it is we have. For resources such as wind and solar, it is pretty easy. They are renewable, so theoretically we should never run out. But for conventional resources, which make up about 83 percent of the energy America consumes, it is a different story. Oil and natural gas and coal aren't located on the surface of the Earth, so we don't exactly know what it is we have and where we have it. We have to look around for it.

Finding and quantifying our resources is a tough enough task. Adding to the complexity is litany of technical terms used to describe them. There are proved reserves, probable reserves, possible reserves, unproved reserves, and our demonstrated reserve base. Then we move into the resources which are different from the reserves, and that list includes eight more categories, and every one of them means something different. I would imagine most people don't have a great understanding of these terms, and by and large I suppose that is fine, unless you happen to be a Member of the Senate, because we are tasked with helping to formulate our Nation's energy policy. We need to know the details and the distinctions.

Before we make critical decisions that affect the price and the source of our energy supply, it is our responsibility to know what our experts think we actually have in this country. To help gain a better understanding of our Nation's energy base, Senator INHOFE of Oklahoma and I requested a report from the Congressional Research Service. The report was first released back in October of 2009, and then in November the CRS experts updated that report. It is entitled ''U.S. Fossil Fuel Resources: Terminology Reporting and Summary.'' Fascinating, I am sure. It actually is fascinating, and it should be required reading for each and every Member of the Senate.

Education is not the only reason we released this report, though. We also hope it will help to set the record straight. Too many of the facts presented here, particularly about energy, are based upon foregone conclusions. In some people's minds, we are supposedly running out of oil—well, because we have always been running out of oil. So at our request, CRS also surveyed existing government estimates to determine exactly how much conventional energy we think we might have.

I think most would find the results surprising. The truth is, our experts don't believe we are on the verge of running out of oil, out of natural gas, or of coal. Far from it.

According to the government's own estimates, the United States actually has the largest fossil fuel endowment in the world. To repeat, we have the largest fossil fuel endowment in the world—larger than Russia, far larger than countries such as Saudi Arabia and China. Within our own endowment is an incredible source of oil—an estimated 163 billion barrels of technically recoverable resources—again, going back to that terminology. There are 163 billion barrels of technically recoverable resources, which would be enough to maintain current production for more than 60 years.

We have huge volumes of natural gas, potentially more than 2,000 trillion cubic feet, which would last 90 years at today's rate of consumption. Our coal resources are truly unrivaled, and at 264 billion short tons, our supply will last more than 200 years.

I will put up a chart here and speak to what we are looking at in terms of proven reserves and recoverable resources, when we are talking about oil.

Back to the CRS report. They found that we have a tremendous range of subeconomic resources that are not yet commercialized, including an estimated 100 billion barrels of heavy oil, more than 800 billion barrels of oil shale, and up to 320,000 trillion cubic feet of methane hydrates. For oil shale, that is over 100 years' worth of conventional oil. For methane hydrates, that would be an amazing 14,000 years' worth of natural gas, if we endeavor to find ways to produce it.

Looking at the chart—I am throwing out a lot of numbers and years. It is kind of tough to get your arms around all of this. But if you look to the share of proven reserves only, within our country—that 28 billion barrels of oil, 17 percent—it leaves out the rest of America's recoverable oil, or 135 billion barrels. 83 percent of what is estimated that we have within this country are resources and are, for all intents and purposes, off limits to us. So the share of proven reserves that we are talking about—the 17 percent—versus the 83 percent of recoverable oil which is off limits to us.

The numbers in the CRS report are our best experts' best estimates on how much we have out there—how much oil, natural gas, coal, and unconventional fossil fuels lie within the United States. These numbers can be obtained by anybody who works in Congress, anybody who is capable of navigating to my Web site, or you can go to Senator INHOFE's Web site. I do hope Members in the Chamber will make good use of it.

Not only does this report provide objective figures for the Senate to use, it also casts serious doubt on many of the false arguments made against new domestic production. So I think it is important to recognize again what it is that we have. This is not any classified secret.

I want to give a couple specifics here, if I might. When you hear about some of the language or the statements that are made and are accepted as fact, there is a claim heard regularly on the Senate floor—and I heard it used by the President last week—that the United States has just 2 percent of the world's oil reserves but consumes 25 percent of the world's oil. Well, that line is designed to make the audience think that the United States is both running out of oil and also using it at an unsustainable rate. The truth is that government officials have claimed that in the United States we have been running out of oil since about 1919, but we are still the world's third largest producer, behind Russia and Saudi Arabia. But we are well ahead of everybody else.

If you think back to the categories I named earlier—and I am talking about the different categories of reserves and resources—you can see why simply referring to proven reserves is misleading because those account for only a very small sliver of our total oil. So to classify a barrel of oil as a reserve, you literally have to drill and prove that it is there. By definition, that excludes all the lands that have never been explored, so that is the big chunk of the pie on the chart here. It excludes a huge range of places where we believe there is oil, and in the end, it dramatically underestimates our Nation's oil resources.

Consider this: The proven oil reserves of the United States—the share of proven reserves, the 17 percent—have never exceeded 40 billion barrels. But over the past 110 years that the United States has been producing, we have managed to produce nearly 200 billion barrels of oil. On the books, we say there is only 40 billion barrels, but we have been producing nearly 200 billion barrels of oil over the pass century. That alone should cast doubt on the words of so many.

Arguing that we have just 2 percent of the world's oil is like arguing that only your checking account, but not your much larger savings account, counts toward your net worth. I will only count what is in my checking account, not what is in my savings account. But in reality, I have all of this; I have the whole combination. The reality is that if you have money in both accounts, neither provides a complete picture by itself. Oil is much the same way.

Between 2008 and 2009, our reserves actually rose by more than 8 percent, even as we produced about 2 billion barrels of oil, and that was made possible by our substantial resource base. So why claim that America is running out of oil when that is not the case?

The easiest explanation is that it is an attempt to turn perception into reality. If Americans can be convinced that we have no oil, we will stop demanding that our government allow access to it. Instead of running out of oil, we will simply stop producing it. In some people's minds, regardless of the economic consequences, the end result will be the same.

The reason I am so encouraged by the CRS resource report and I am encouraging other Members to review it, and the reason I am so disappointed by continued claims that America has nearly exhausted its resources, is that an understanding of our true energy potential helps point the way to a viable national policy. Instead of locking up our lands, we need to open them up and streamline access, streamline permitting, and bring more of our own resources to market. Doing so will not only allow us to increase domestic production but also decrease domestic consumption. These steps are not mutually exclusive. Given our energy and our fiscal challenges, they are actually dependent upon one another. Let me put it into context a different way.

For years, Alaska's congressional delegation has sought to allow 2,000 acres of the nonwilderness portion of ANWR to be opened to development. Usually, when we talk about ANWR, we talk about how much new oil production could result, probably somewhere between 800,000 and 1 million barrels a day—truly, that would help us out at this time. But left out of that conversation are the tremendous revenues that would accrue to the Federal Government. According to CRS, those revenues would reach more than $150 billion. I will repeat the number because we are looking for dollars. It would reach $150 billion at today's oil prices. If we use those revenues wisely, we could make great and serious progress on deficit reduction and investment in new technology.

Now, there is a bill from the Michigan delegation that would increase incentives for electric vehicles by an estimated $19 billion. It is a great idea, but the reason the bill will not go anywhere is that there is no way to pay for it right now.

Think about what would happen if we brought ANWR into the conversation. We could fully fund incentives to put not just a couple million but upward of 20 million electric vehicles on the road. We could help create an entire industry even as we fully protect our most valuable resource, which is the American taxpayer.

At the end of the day, our decision to produce more of our own oil would be matched by a tremendous reduction in our oil consumption, thanks to the advanced vehicles we deploy from the revenues from oil production. But by holding back production, we hold back progress.

For far too long, I believe the antiproduction arguments have prevented Congress from developing a coherent energy policy. We see them again today. They say, ''oh, it's the speculators'' or ''oh, the producers aren't using the lands they have already leased, that's all.'' But today, we are also seeing the consequences of those arguments: higher gasoline prices, a weaker economy, and a loss of international standing.

The longer our Nation waits to develop its resources, the longer we wait to create new jobs, to improve our energy security, to pay down the debt, and to invest in next-generation technologies. The longer we decide it is acceptable to import oil instead of producing our own, the longer we will continue to export our wealth, export our jobs, and give the benefits of production to other nations.

I think CRS's new report on America's true energy potential should be an eye-opener to us. I intend to circulate a copy to every Senate office. I ask my colleagues to look through this report and understand what it means for our energy policy and then join me to make sure this Congress takes advantage of the opportunity it presents.

CONGRATULATING JOHN BAKER

Ms. MURKOWSKI. Madam President, I have a short statement recognizing the phenomenal historical win of the Iditarod race. John Baker is an Inupiaq Alaska Native and is the first Alaskan Native to win the Iditarod in 35 years, and it has been around for 39 years. He made it to Nome on the thousand mile-plus Iditarod Trail in record time: 8 days, 19 hours, 46 minutes, and 39 seconds on the trail, which is the fastest time in the Iditarod history. We are exceptionally proud of John Baker.

I had an opportunity to be with John Baker and his phenomenal dog team as they were preparing to leave from Anchorage 2 weeks ago, and John said, ''It's my time, LISA.'' He has been in the top 10 for 11 tries now, and we are exceptionally proud of him, but not only proud of John Baker and his approach to the care of his dogs and his team, but we are proud of the canine athletes. He has a couple lead dogs, Velvet and Snicker, that are pretty incredible.

Mr. REID. If my friend will yield, I got a call from one of the secretaries, so why don't you give your statement.

Ms. MURKOWSKI. I thank the leader. I will share it with you, and I appreciate the indulgence.

Again, I speak on behalf of not only John Baker as a great athlete but his canine athletes. When the mushers leave out of the start in Willow, they leave with about 16 dogs on the team. These are remarkable animals that love nothing more than to be on the trail and to be mushing. His team demonstrated a resolve and a commitment and a dedication to not only their musher, Mr. Baker, but to what the whole sport of dog mushing is all about. For those who follow the Iditarod Trail, you know this is not for the weak. This is over exceptionally rugged terrain, oftentimes in exceptionally rugged circumstances where you have Arctic winds howling down off the coast, blizzards that provide for whiteouts, going down passes that cause encounters that flip you over and break sleds and break bones. It is not for the timid.

But Alaska brings out some exceptional individuals. There were 62 teams that mushed from Willow to Nome this year. They are still out there on the trail as we speak. We wish those who are still coming in well along the way. We had some accidents, but there is never an Iditarod when we do not seem to have Mother Nature intervening in one way or another. The good news for us is that those who have had a happenstance, whether it was a broken collarbone or a happenstance with a knife, those men are doing fine and the dogs, again, are coming in and doing fine.

Again, Madam President, I am thrilled to congratulate Alaskan dog musher John Baker and his exceptional team of dogs, who carried him across the Iditarod finish line for a first place finish in Nome, AK, at 9:46 a.m. Tuesday morning. The Iditarod is not for the faint of heart—the trail is made up of some of the harshest terrain in North America spanning over 1,000 miles of rugged mountains, frozen tundra, and dense forests. Baker and his team made history yesterday beating every Iditarod record after racing eight days, 19 hours, 46 minutes, and 39 seconds on the trail—the fastest time in Iditarod 39-year history by 3 hours.

John Baker is a hometown hero in Kotzebue, a small northwest Alaskan community that rests roughly 33 miles north of the Arctic Circle on the Chukchi Sea. Yup'ik drumbeats and seal calls welcomed John, an Inupiaq Alaska Native and the first Alaska Native Iditarod champion in 35 years, as he and his team raced into Nome yesterday.

The Iditarod is the world's longest dog sled race. It requires mushers to have tenacity and a sort of fearless courage, but even those qualities will not make a winning team. Extraordinary leadership is just as essential of the lead dogs who must guide their

team through the toughest of conditions for days on end. Together, man and dog are pitted against nature and the raw elements of the Last Frontier. John Baker's team of canines is truly the cream of the crop.

I have had the pleasure of meeting his lead dogs Snicker and Velvet. Together, Snicker and Velvet guided the Baker team across frozen lakes and tundra, through freezing temperatures, winds, and snow. Although yesterday was the first time Snicker and Velvet have been draped in flowers and adoration at the finish line in Nome—this is not their first run at the Iditarod. Baker has run the Iditarod 15 times before and amazingly garnered 11 top 10 Iditarod finishes. This was their year—and Alaskans are celebrating with them across the State. John and his team have trained for this, they have fought for this, and they have made history.

I am proud to congratulate the Baker team on this extraordinary victory and I send my best wishes to John and his family today as they celebrate this well-deserved victory in Alaska's great race.

Mr. REID. Will my friend yield for a question?

Ms. MURKOWSKI. Yes.

Mr. REID. They had a great piece on public radio before the race started—it was very good—as to why the race takes place. I want to find out if what I understood from that radio piece is valid.

Wherever the race winds up, there was a place badly in need of some kind of serum because there was an illness there, diphtheria. I do not really remember. They had no way of getting the medicine there. Some person decided what they could not do with machines they could do with dogs. They took the medicine and saved all these lives. Is that valid?

Ms. MURKOWSKI. The majority leader watched that report well—

Mr. REID. I listened to it. It was on the radio.

Ms. MURKOWSKI. The Senator listened to it well. He heard it right. It was an outbreak of diphtheria in Nome. There was no way to get the diphtheria serum to the residents of Nome. It was a true and honest scare in the middle of the winter. The concern was that if they were to take it through a regular route during the winter months, it would not get there in time to save the residents of Nome.

The airfields were not sufficient. They could not travel by air because we did not have the airfields back in the twenties. It was a team of dogs that did a relay across the State. They delivered the serum in time and saved the town.

This race has been resurrected, if you will, to commemorate the Great Serum Race to Nome, as it is called, to commemorate the delivery of the serum, an act that would save that community. It is quite a remarkable story in our State's history.

Mr. REID. Madam President, I hesitate saying this because I will probably get in trouble, but this is a good reason why the House vote was bad today to disband public radio.

It was such a wonderful piece. I did not know that.

Ms. MURKOWSKI. I, too, will take an opportunity to plug public radio because the majority leader heard the piece on NPR, but in my home State and in many of the villages we are talking about where these teams will go through on their way to Nome, it truly is the public broadcast system that is their means of communication.

Mr. REID. I heard Ted Stevens talk about this in the past.

Ms. MURKOWSKI. Mukluk Telegraph is what he would call it. It was a way to convey birthday greetings to people in the next village. It was a way to say: I made it back from hunting camp safely. It is a way of communication. People do not often recognize that in many parts of our State, and certainly along parts of where these teams are traveling right now, we do not have a level of communication that we see in Washington, DC, or in most parts of the country.

That is our plug for public radio. I appreciate that bit.

Mr. REID. The only radio station I can get in the daytime in Searchlight is public radio.

Ms. MURKOWSKI. There you have it.

Madam President, I appreciate the indulgence of the majority leader. Again I send my warmest well wishes to John Baker and his team. I will be greeting the mushers in Nome on Sunday at the mushers banquet, and I can't wait.

I thank you for the time you have given me. I yield the floor.

TRADE AGENDA

Mr. BROWN of Ohio. Madam President, we were considering, earlier this morning, when I was presiding—and through much of the morning—the Small Business Innovative Research bill. Senator LANDRIEU and Senator SNOWE are leading very well on that issue.

I would like to speak for a moment about another important issue for small businesses and workers everywhere; that is, our Nation's trade and globalization agenda.

As my colleagues are aware, the Generalized System of Preferences, the so-called GSP, the Andean Trade Preferences for Colombia and Ecuador, and the 2009 reforms to the Trade Adjustment Assistance Program all expired in mid-February.

I do not think too many people are happy about that. I am certainly not. I have offered amendments with Senator CASEY and requested unanimous consent to pass both the Andean Trade Preferences and the Trade Adjustment Assistance, but my Republican colleagues objected.

Others, such as Senator MCCAIN, requested a unanimous consent on only the Andean Trade Preferences, and I have objected. I have objected because we cannot turn our back on American workers who lose their jobs through no fault of their own, only to, then, help workers in other countries.

Since Congress made reforms to the Trade Adjustment Assistance Program in 2009—trade adjustment assistance has been with us since the Kennedy administration. It clearly works. When workers lose their job through no fault of their own, they get some assistance from the government to go back to school to get retrained so they can be productive workers again. Again, they lost their jobs through no doing of their own.

But since Congress made the reforms in 2009, 170,000 additional trade-impacted workers became eligible for training under the TAA for Workers Program. So if somebody loses their job because of a trade agreement we pass in this institution—trade agreements that I think were wrongheaded: NAFTA, CAFTA, PNTR with China, other kinds of trade agreements with Australia and Jordan and Panama and Peru—when workers lose their job because of these agreements, we at least owe it to them to help them with trade adjustment assistance.

But since this program expired last month, we have shut out service workers, we have shut out manufacturing workers who lost their jobs to countries we do not have a free-trade agreement with. So we do not actually have a free-trade agreement with China or India. We did something called PNTR with China.

So if a worker in Dayton or Toledo or Findlay or Zanesville loses their job because of a trade agreement to China or India, they are out of luck. They do not get TAA. How awful is that? They worked at a plant, where that plant moved because of trade being moved to China, but they do not get any kind of assistance. It was not their fault.

It should not work that way.

In addition, improvements to the Health Coverage Tax Credit Program also expired. HCTC helps trade-affected workers purchase private health coverage to replace the employer-sponsored coverage they lost. Again, they lost their job because of a trade agreement. They cannot afford health insurance because they do not have much money and they get some tax credit from the government to help them be able to afford this health care. It has helped thousands of workers manage hospital costs, medication, and necessary doctor visits. Without it, not only do Americans lose their jobs, but they are at risk of losing their health insurance. They generally cannot afford their health insurance, which also may lead them more likely to lose their home and suffer from foreclosure.

TAA—trade adjustment assistance—and HCTC—health coverage tax credit—have both expired. They must be renewed regardless of whether this Congress considers or passes any new trade agreement.

Ambassador Kirk, the U.S. Trade Representative, will soon be submitting the U.S.-Korea Free Trade Agreement to Congress. I have expressed my concerns about this agreement. I am concerned it will be a step backward for American manufacturing, especially in the auto industry. I am concerned that low-wage Asian nations will use Korea as a platform to export auto parts and steel—duty free—to the United States. They will come in from some country to Korea—maybe China, maybe India, maybe somewhere else—through Korea and then get access to U.S. markets duty free.

These are serious concerns. This is not theory. This is based on what has happened since passing other free-trade agreements. Every time we pass a free-trade agreement, the supporters of it say there are going to be more American jobs and we are going to close the trade deficit. It never does. It is always false manufacturing jobs. In northern West Virginia and in much of my State, we have seen that inflicted on families day after day after day, and it means a larger trade deficit.

At least we will have the time to debate and consider the Korean trade agreement. Unfortunately, several of my colleagues across the aisle don't even want to consider the Korean trade agreement unless it is packaged with the Colombia and Panama trade agreements. So on top of not extending trade adjustments, on top of not extending the health care tax credit, our Republican colleagues want to move on all three leftover Bush trade agreements: Korea and Colombia and Panama. These trade deals will not be winners for American workers. We know our exports increase with free-trade agreements. We also know our imports increase to a larger degree.

The first President Bush said that when we have a trade surplus or deficit of $1 billion, it translates into 13,000 jobs. So a $1 billion trade deficit is 13,000 lost jobs. A $1 billion trade surplus is 13,000 increased jobs. That is President Bush's numbers. We can just do the math.

We have trade deficits of hundreds of billions of dollars in this country, and when production jobs move offshore, innovation is not far behind. All of us, including the Presiding Officer, have gone through manufacturing plants, and what we see there are workers and engineers trying to figure out how to innovate and how to increase productivity, how to make production more efficient and less expensive.

If we innovate in this country and invent in this country and then we send those jobs overseas for production, we begin to lose the innovative edge because over there, whether it is Mexico or China or India or Japan or anywhere else, when the production is done, then the innovation is also done on the shop floor. So while we brag about being the most inventive, innovative people on Earth—which we are—the future doesn't necessarily work that way as we outsource so many of these jobs.

We have seen how these free-trade agreements give incentives to move production overseas, and instead of taking away those incentives, instead of giving incentives to American companies to manufacture over here, we do the opposite by passing the Korean Free Trade Agreement or Peru or NAFTA or CAFTA or any of those.

Peru's President Garcia spoke to the U.S. Chamber of Congress before signing the Peru Free Trade Agreement. He said: ''Come and open your factories in my country so we can sell your own products back to the United States.'' Come sell your own products back to the United States. How is that good for American workers? How is that good for innovation? How is that good for American manufacturing? How is that good for American middle-class communities? It has become a business plan for far too many companies in this country. Think about, in the broad sweep of history, how often this has happened, where the business plan for a U.S. company is, they invent something here, then produce it in China, thousands and thousands of miles away, and then it is shipped back to the United States, back to the home country. That is the business model for far too many companies. If they were to set up in China and sell into China and east Asia, that would be one thing. But company after company after American company has gone abroad, done the production there, sold it back into the United States, so it is not providing the work for American workers that it should.

Again, my colleagues are holding people who need retraining and adjustment hostage to another trade agreement. So they are saying: If you don't pass Colombia and Panama and Korea, then we are not going to extend trade adjustment assistance, we are not going to extend the health coverage tax credit.

Free trade's biggest supporters put so much stock into these free-trade agreements and they do so ignoring the elephant in the room, and I am talking about our relationship with China. Congress approved China PNTR more than 10 years ago. We know what has happened. We have had literally $½ billion a day in trade deficits with China. That means we buy $500 million a day more in products from China than we sell to China. That is what a trade deficit of $½ billion a day means—that we actually are buying $500 million every single day more from China than we are selling to China. That is not a long-term sign of prosperity. That is not a long-term indicator of the strengthening of the middle class.

Until we figure out where we are going on trade and put a halt to these trade agreements and look at what we need to do instead, we are going to continue to see the shrinking of the middle class.

Last week, an appeals court of the World Trade Organization made a horrendous decision in favor of China against our trade remedy laws. The WTO has again overreached beyond WTO laws and rules against our anti-dumping and countervailing duty laws. These laws have been the only way to protect ourselves and protect our economy and protect our communities and protect our workers and protect our small businesses. One of the last tools we have to defend against unfair trade law are these trade remedy laws, and the WTO, with a bunch of bureaucratic trade lawyers, is taking them away. The WTO risks its own legitimacy with a ruling like this one.

I urge the Obama administration to respond aggressively to this decision. I urge my colleagues to step back from this stalled trade agenda—step back from Korea, Panama, and Colombia. I urge my colleagues to examine instead what is in the best interests of American workers and businesses. We can find a balanced trade agenda that makes sense for our businesses, makes sense for our workers, and makes sense for our communities.

TRIBUTE TO RICHARD JAY CORMAN

Mr. MCCONNELL. Madam President, I rise to recognize a good friend of mine, a very special Kentuckian who I and many others can look up to, Mr. Richard Jay Corman of Nicholasville, KY. Mr. Corman is a successful businessman, a self-made man who started what is today a multimillion-dollar company. He is also living with cancer—and I do mean living, as for several years now he has continued to make the most of each day despite this disease, and he has become an inspiration for many.

Richard grew up on a farm that did not get indoor plumbing until he was in the fourth grade. Now he is the head of the R.J. Corman Railroad Group, a construction and railroad operation company he founded when he was 18 years old. When Hurricane Katrina struck in 2005, the Corman Railroad Group was there, repairing the railways that had been damaged in dangerous conditions, and Richard was the one leading the operation. He is known for his intensity, his determination, and his indefatigable energy.

Richard has so much energy he has barely slowed down even after being diagnosed with multiple myeloma nearly 10 years ago. Without treatment, he was told he may have only a year to live. He survives thanks to a fantastic medical team, and Richard himself is funding medical research that is not only keeping him alive but will benefit untold others. And Richard is still working and running marathons.

I am proud to call Richard Jay Corman a friend and I think his life story holds lessons and inspiration for others. I read an article in Fortune magazine recently that was a fascinating look at Richard's life and work. I ask unanimous consent that the full article be printed in the RECORD.

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

[From Fortune, Mar. 7, 2011]

THE BALLAD OF RICHARD JAY CORMAN

(By Carol Loomis, senior editor-at-large)

Richard Jay Corman is hardly a household name. But this entrepreneur, a son of Kentucky, has made himself a force in the railroad industry, where in up-from-nothing fashion he has created a thriving, highly respected company. Called R.J. Corman Railroad Group, it's a construction and operating enterprise that takes in around $300 million a year. Rick Corman, 55, is its sole owner. Earnings? He will say only that it's ''incredibly profitable.'' But we'll make an informed estimate: This business, after taxes, has in more than one recent year earned $50 million in profits.

A Kentucky friend of mine, impressed by Corman and aware also that he was facing some complex estate-planning problems, suggested he'd make a good story. You couldn't say the idea was a natural for us: Corman's financial feats, while first-class, don't exactly put him in the Fortune 500 league. Still, Corman seemed worth a trip, so last fall I went to see him in his home state. And well before we finished talking, I realized that he just might be—apologies here to the Reader's Digest, which popularized this title—the Most Unforgettable Character I've Ever Met in my more than a half-century at Fortune. That may seem surprising given that I've come to know more than a few standout CEOs over the years. But the emphasis here is on the word ''character.'' In the way he operates—and faces the world—Rick Corman is truly larger than life.

And that's not just in business. Corman has also led a kind of soap opera existence, whose chapters he began describing to me in his twangy Southern drawl, and with a startling lack of inhibition, within minutes of our starting to talk. We were at his headquarters in the Lexington, Ky., suburb of Nicholasville, in a small conference room adjoining a cafeteria. He made sure I sat where I could look through a glass wall down to a hangar in which there were parked two private jets and a helicopter, all of them bright red (more on that later). At that moment, I was too obtuse to grasp how unusual those aircraft were. I mean, really, how many red planes have you seen?

Asking a journalist's throwaway kind of question, I said that driving to Nicholasville I had noticed a sign that said REELECT KEVIN CORMAN FOR SHERIFF, and was he related? ''No,'' said Rick, ''but if I get into trouble, he will be.'' And those were the first of many laughs that I got from the very funny and quick Rick Corman, who laughs along at high decibels and loves it.

Hours later, Corman ended our talk with a plan for getting me back on the road. Standing in his red baseball cap and red-and-white corporate jacket outside his red-trimmed glass offices, he told me to drive behind him as he led me to a locked back gate and a shortcut to Lexington. The ride unrolled a pristine scene of success. Ignoring a profusion of red 25-mph signs he himself had ordered installed, Corman raced at twice that speed for more than three miles through 2,000 acres of manicured rolling fields, past red sheds and red work-barns and red bridges and small, shapely roadside maples cooperatively turned, of course, red. In the left sky, a pilot in still another red Corman helicopter was practicing powerless emergency landings on a road. There were two snapshots in white: the three farmhouse rooms that Corman grew up in (and that got indoor plumbing when he was in the fourth grade) and the large frame house, featuring half-octagon windows at the end of recently built wings, that he lives in now.

And as the back gate opened and I started to wave thanks, Corman unfolded his gangly 6-foot-3 frame from his Lincoln Navigator SUV, came to my right window, and said, ''I just had to add one more thing: I would not be alive today if it weren't for Kathy Martin.''

So, yes, there is a dark side to this tale. Kathleen Martin, a gastroenterologist, is Corman's Lexington doctor. He has an incurable form of cancer: multiple myeloma, which attacks the plasma cells in bone marrow and destroys bones. The disease killed Wal-Mart (WMT) founder Sam Walton, quickly, in 1992. But Corman was diagnosed nearly 10 years ago, when he was only 45. With the aid of two bone marrow transplants, the determined ministrations of both Dr. Martin and Harvard's Dana-Farber Cancer Institute, and the strong will that allowed him to build a major business from scratch, Corman has survived.

You can read about it on his company's website, where Dr. Martin conveys the latest medical news about Corman. Last July, following a period of remission for him, she posted a new report saying that unfortunately a small amount of recurrent cancer had been detected in his bone and that he would therefore undergo new doses of radiation and intensified chemotherapy.

Then, in October, the doctor triumphantly posted ''good news.'' A PET scan had found Corman's myeloma to have again gone into remission. ''We remain hopeful,'' Dr. Martin added, ''that new therapies will become available to treat any future relapses.''

Since R.J. Corman, the company, has no shareholders to ponder this information, Martin's reports inform and reassure the company's employees and customers—and even a board of directors—who know Rick Corman to be the soul of the company. True, he ostensibly retired about 14 years ago when he suffered his third divorce and took over shared custody of his three youngest children, then 6, 8, and 10. His description of life as an idled, single father is that every day he took the kids to the playground and sat there and cried. And that was before he knew he had cancer.

Reports of his ''retirement'' are, in any case, highly exaggerated. When his storm-team unit won a large and hugely difficult Hurricane Katrina railway-repair job in 2005, he was on site, leading the work, which produced revenues of more than $100 million. ''He knows everything that's going on,'' says W.W. ''Half'' Halfhill, a close friend. And Corman circulates within the company's offices, and even its cafeteria, like a boss—''Tell the cook not to fix so much catfish at a time, because it gets cold,'' he ordered as our interview turned into lunch. Says a veteran Corman employee, Dickie Dillon: ''He's the motivator.''

Now, deeply aware of the doomsday clock, Rick Corman has the untimely job of planning his company's future. Private equity firms circle, some no doubt figuring they might sell off pieces of the company. But out of loyalty to his 900 employees, Corman refuses to sell.

Instead, he considers alternatives, a subject that inevitably leads to the soap opera part of his life. His two oldest children, a daughter and son who bear his name but were born to a woman he never married, do not seem slated to run the business. The three others—the ones he once took to the playground—are still young, only in their twenties. On the other hand, he has a highly competent staff, headed by a talented president with whom Corman communicates with ease: She's 49-year-old Tammie Taylor, dark-haired and attractive—and Corman has lived with her for nine years.

Corman has a Kentucky expression for almost every situation, including his death. That would be no big deal for the company, he says: ''One monkey don't stop no show.'' But in reality, for the Corman empire, that's as flawed in logic as in grammar.

Corman came from a farm family, which included a grandfather who did odd jobs hauling goods and took Rick in as a 25% partner when he was only 11. A few years later, high school utterly bored him. He got married in September of his senior year and, when she didn't turn out to be pregnant after all, they got divorced. Totally impatient with schooling, Corman missed 105 days out of a scheduled 175 during the 1973 school year but managed to graduate.

Having devoted his days playing hooky to learning the excavation trade from an uncle, Rick rented a backhoe and a dump truck and set out to do whatever jobs he could pick up. The dump truck was red, and that became his color. ''You can't be good if you don't look good,'' he says.

He edged into railroad work, rebuilding crossings and driving grueling distances to wherever the job was, sometimes sleeping in his truck and regularly braving terrible weather. ''Railroads don't care—well, they really can't care—what the weather's like when something needs fixing,'' he says. Workers who couldn't take the punishment left. Corman kept making himself the model for doing things right. A ''go-getter'' by the description of many, including even himself, he steadily picked up construction jobs and gained a reputation for fast, expert service. It also helped that most people simply liked him, sensing his innate intelligence, quickly learning that he was totally honest, enjoying his openness and humor and boisterous, cackling laugh.

In business, Corman was opportunistic. A Columbus company to which the rail industry outsourced some of its derailment business quit the city, and Corman was asked by railroad friends to step into the void. He did, accepting the need to acquire heavy, expensive equipment—machines that will lift a derailed car, for example, so that the rails beneath it can be repaired or replaced. That naturally led to ''crisis'' work. ''He's kind of like an oilfield firefighter,'' says Matt Rose, CEO of Burlington Northern Santa Fe, of his friend Corman. ''He's the Red Adair of the railroad industry.'' But Corman also has a hand in more prosaic businesses, such as selling rails and ties to railroads. In effect, he takes on inventory costs they'd just as soon not bear.

By 1984, when Corman was paying 24% interest to finance new trucks, he sought help from Luther Deaton, a lending officer at Lexington's Central Bank & Trust. Deaton, now president of the bank, recalls that ''a very self-confident and happy-go-lucky'' Corman, then just short of 30, arrived for their first meeting wearing boots, khaki pants, and a big belt buckle flashing his initials, and with no financial statements in hand. ''I just couldn't get comfortable with him,'' Deaton remembers.

Deaton stayed skeptical until Corman got him to visit a couple of work sites—''to see what we do.'' On his first visit, to a sprawling Baltimore & Ohio wreck, Deaton saw shiny red trucks and bulldozers and watched Rick work atop a railroad car, rigging cables to start pulling derailed cars out of a tunnel. Next, on a deathly hot August day, Deaton drove to see a stretch of railroad being rebuilt. Deaton found Rick pulling up spikes so that track could be re-laid, while sweat poured out of the top of his work boots. Explaining to Deaton that he couldn't right then talk to him, Corman said that if he got

the job finished by midnight, he would get a bonus and in turn be able to pay bonuses to his workers—those remaining, because several had quit during the day owing to the harsh conditions.

Deaton went home, comfortable, and says he told the president of the bank, ''Look, we've got to help this guy. He knows how to get it done. He's free to go be a great success,'' and the boss said, ''Do it.'' The next day, a Saturday, Deaton found Corman sitting in the engine he used for an office, with blisters on his feet visibly oozing. Deaton cut his interest costs on the trucks to 14% and offered him a $500,000 credit line. ''We've never looked back since then,'' says Deaton. ''He's a banker's dream.'' Translation, according to Deaton: Corman is a brilliant businessman who borrows frequently, but is conservative and always good for his debt.

Corman's improved financial position helped set him up for his biggest opportunity, which materialized when the passage of the deregulating Staggers Rail Act of 1980 caused the industry to gradually reshape itself. Many railroads sold off their ''short lines,'' usually meaning rail lines of 100 miles or less. These were like baubles to the trunk lines, but they were nice baubles, being monopolies (as is the case with almost all railroads), except for competition from trucks.

Corman got in this game when a Seaboard System executive who took to Rick said, ''I'm going to sell you a railroad.'' And that's how it happened that Corman, in 1987, paid $300,000 for a 20-mile line in Kentucky, the first of eight short lines, covering about 620 miles, he picked up. Naturally, the engines on these lines are red. On the profit side, though, the short lines began to deliver very black profits, becoming Rick's biggest moneymakers.

Then came the cancer. It revealed itself in the spring of 2001 in Amsterdam, where Corman, generous to others all his life, had taken a group of friends and relatives to see the blooming of the tulips. He was running in a park one day, when another runner passed him doing 5½-minute miles. Corman immediately tried to match the pace. Within minutes he was brought to his knees by excruciating pain in his back.

Managing to get home to Kentucky, he got two doctors on the case. One, his family internist, Terrance Furlow, ordered a blood test and a bone biopsy that strongly indicated multiple myeloma. The other doctor was Kathleen Martin, a tall, striking blond whom Corman had dated until they had recently broken up in a friendly way. Corman knew the woman he calls ''Kathy-leen'' to be a dedicated patient advocate. ''There's no dam big enough if she's the beaver,'' he says, speaking Kentucky. He wanted her at his side as he dealt with his illness, and that's where she has been for nearly 10 years.

Dr. Furlow sent the two of them to the Mayo Clinic for a bone marrow biopsy and a confirming diagnosis. There, Dr. Stephen Ansell, a hematologist, told Rick soberly, ''It is myeloma. It's not curable, but it's treatable.''

Rick said: ''Well, there are worse cancers than this, right?'' Neither Ansell nor Martin spoke. ''It seemed like a year passed,'' Corman recalls, ''until finally both came up with pancreatic cancer.'' He said at least it was good to know there was a worse one. But by that time he was breaking up with laughter at their halting answer—and so were the doctors. ''It's a gift of Rick's,'' says Martin. ''He gets people to laughing no matter what.''

Dr. Ansell said that without treatment Rick might have a year to live. Rick instantly became a fan of treatment. Dr. Ansell allowed that a bone marrow transplant, which he suggested be done at Mayo, would reset the clock and possibly give Rick three years. The doctor added that Rick should focus on spending his money and enjoying life. ''The message,'' says Rick, ''was that my life was going to be short.''

After that meeting, Corman and Martin, in effect, shopped for time, hoping to find a specialist who might visualize a better outcome. At the University of Arkansas for Medical Sciences, a center of myeloma research, doctors said the right treatment could give Corman seven years. And then he and Martin went to Boston's Dana-Farber, whose myeloma chief, Dr. Kenneth Anderson, looked down at Corman's file and said: ''I see you're 45, Rick. I'm surprised that you'd be satisfied dying at age 52. If you come here, we will do everything possible to see that you grow old gracefully and die of something other than multiple myeloma.''

And thus was struck a memorable bargain, for both sides. Against terrible odds, Corman has survived; Dana-Farber has received millions for the R.J. Corman Multiple Myeloma Research Fund, most of the money contributed by Rick, some by friends of his. He told Dr. Anderson at the outset: ''Every year you keep me alive, Santa Claus will visit you.'' Corman proceeded to deliver Dana-Farber at least $250,000 each December, usually in packs of $100 bills (though he has stopped the cash deliveries because of security concerns) that he ostentatiously plunks down before his doctor, Paul Richardson, and other staff members. And Rick would say, ''Don't forget that this won't be coming if I die.''

Dr. Richardson, 48 and internationally known for his work on multiple myeloma, has done his part by cycling new and improved drugs (some developed at Dana-Farber) into the oral and intravenous ''cocktail'' that Corman takes. Dr. Richardson says he and Dr. Anderson have ''kind of taken this disease by the scruff of the neck and given it a damn good shake.''

Richardson's affection for his patient has in the interim grown so deep that he never runs out of praise for him. He watched Rick give $12,000 to a cancer patient he didn't know for a transplant that might otherwise have not been performed. Every week Rick funds a group luncheon for Dana-Farber's doctors, picking up the check because the institute's rules won't let it pay. ''Rick is a profoundly good man,'' says Richardson, finding him a remarkable mixture of ''humbleness and—I don't say this lightly—greatness.''

Richardson does not talk, meanwhile, of a cure because there isn't one. Richardson says, ''I hope—well, actually I pray—that he can have another five to 10 years.'' Rick, not much into religion, says simply of his prospects, ''If you make it to tomorrow, you've done good.''

All of Corman's doctors agree that he has come this far by keeping himself remarkably fit. In 2002, five months after his first bone marrow transplant, Corman ran the Boston Marathon to aid a cancer fundraiser. He still runs five kilometers almost every day, but his illness has caused his pace to slow, from maybe 19 minutes for the distance to 27. The drugs he takes also have intermittently caused him intense, neuropathic leg pain, which he sometimes can ease only by elevating his legs above his heart. He often does that in deep La-Z-Boy recliners at home, in a space once called the living room and now christened the ''cancer room.''

The discovery of his illness brought about large changes in both Rick's business and personal life. Dr. Richardson asked to see Rick frequently in Boston, which raised the threat of commercial flights exposing him to germs. No problem: Rick (a pilot himself) constructed a city-airport-size 5,600-foot runway on his property. For transportation, he bought two planes for $12 million, a Challenger and a Learjet, naturally decking them out in his color. That move was automatic, even though a dark paint like red increases operating costs—absorbing heat, for example, and making the plane more difficult to cool. That's a reason, folks, you do not see many red planes.

Though turning his grounds into an airfield kept Rick busy, he wasn't spared periods of great sadness and despair about his illness. On one 2001 Friday night several months after it flared, with his young kids away at their mother's, he phoned Tammie Taylor, then the chief of one of his company's divisions. Finding her at the office, he asked her to come the short distance to his house. ''Why?'' she asked. ''Is anything wrong?'' ''Please just come,'' he answered. When she got there, he says, he was ''sitting there bawling.'' To her anxious question, he said simply, ''I'm scared.'' Things moved on after that in quite a remarkable way: Taylor stayed that night, and she's been there ever since.

As a manager, Taylor wins Rick's ultimate accolade: ''She's a go-getter'' (a description that, were it in a thesaurus, would be in the vicinity of ''industrious''). But she is the first to say that the secret of R.J. Corman's success is, simply, Rick. She spends her days, in fact, trying to hire people who will bring his kind of ''passion and pride'' to their work.

And what is to happen when Rick—this inspirer and motivator—is not there to keep that culture going? The legal answer is that a trust will take over ownership of the company. It will exist for a near-unimaginable 200 years and is likely to have Dana-Farber as its ultimate beneficiary. A handful of trustees will run it—people that Rick knows well and indeed trusts—and they will be paid handsomely, probably dividing one-fifth of the company's pretax profits. That would be big money. But Rick expects the trustees (who could include some of his children) to devote all their might to preserving and building the company. And if they do that, the price will seem cheap to him. All the while, Rick says, Tammie Taylor and her staff will run the company and can be expected to do it very well.

He does not rule out the possibility that eventually one or more of his children will move into management, though at the moment the three oldest have careers that are not headed in that direction. Amy, 33, is a marketing analyst at a Lexington uniform company, Galls; Richard Jay, 30, is an associate dean at Lenoir Community College in North Carolina; Jay Richard, 24, drives a tractor-trailer for R.J. Corman. The other two children are Ashley, 22 (called by her first name, Shawna, by everybody but Rick), and April, 21. Both, Rick thinks, might have the ''capacity'' for running a business. Each, though, has entertained the thought of becoming a doctor. Ashley is currently a clinical research coordinator at Dana-Farber and a student of her father's disease. April is a junior at Transylvania University in Lexington.

Dale Hawk, formerly a CSX (CSX) executive and today an R.J. Corman director, says Rick's kids will undoubtedly have to earn their way into management if that's where they'd like to be. Right now, he says, the company is well established and will endure if Rick dies. But he also acknowledges that it will miss Rick's flair and the personal relationships that he has in the railroad industry. ''The company will go on,'' he says, ''but it will never be the same without Rick.''

After my long Nicholasville interview with Rick, I saw him three times more. In November, I traveled with him and Dr. Martin to

Dana-Farber. As we waited in a corridor, every doctor who passed greeted the two warmly. One doctor, a Kentuckian himself, joked with Rick about the next bone marrow transplant he might need, saying it would undoubtedly be easy to find a donor of cells ''because we know that all Kentuckians are related.'' (''Oooh, be careful,'' said Rick. ''Mrs. Loomis, here—she's from the press.'')

I next saw Corman twice in New York City. On a Monday he unexpectedly dropped by my office to introduce me to the University of Kentucky's famous basketball coach, John Calipari. The two men had flown to New York for the day to shop at Brioni, the upscale tailoring establishment that makes Rick's flamboyant, double-vent red sports jackets. I thanked Calipari for a favor he'd done me. There had been a time, early on, when Rick thought he might not cooperate with this article. But friends had talked him into it, among them Calipari, who argued, ''Somebody reading it might be inspired.''

In my other New York visit with Rick, he came to breakfast at my office cafeteria in December so I could do a little wind-up reporting. Heads turned to marvel at his jacket as we stood waiting for our bacon and eggs. He was in Manhattan to take 130 people to the Radio City Christmas show and then to dinner at Del Frisco's, an expensive restaurant nearby.

On that Friday morning he had the look of invincibility that appears to have characterized him all his life, but that sometimes, as you've read, is stripped away by sadness. Even so, Rick Corman had made it to that December day and to the others that passed before this story closed some weeks later. He'd ''done good,'' by his way of reckoning. You can't help but feel that he will keep on beating the odds. And, when his luck runs out, the word will go up on the company website, and the world will have lost some of its style.

TIBET

Mrs. FEINSTEIN. Madam President, I rise today to express my continuing concern about the current situation in Tibet.

Before I do so, I would like to bring to the attention of my colleagues a recent statement made by His Holiness the Dalai Lama on his political future.

In his March 10 statement marking the 52nd anniversary of the Tibetan uprising, His Holiness announced his intention to propose amendments to the Charter for Tibetans in Exile, handing over his formal authority to an elected leader.

Let me read a portion of his message to the Fourteenth Assembly of the Tibetan People's Deputies:

> The essence of a democratic system is, in short, the assumption of political responsibility by elected leaders for the popular good. In order for our process of democratization to be complete, the time has come for me to devolve my formal authority to such an elected leadership.

I applaud His Holiness for this decision and I stand ready to do my part to help the Tibetan community in exile transition to a new political structure.

I take great comfort in the knowledge that His Holiness will continue his role as spiritual leader to the Tibetan people and will work tirelessly to preserve the Tibetan culture both inside and outside of Tibet.

I also support His Holiness' call for fact-finding delegations to Tibet, including representatives of international parliamentarians, to see for themselves the current situation on the ground.

As His Holiness pointed out, similar delegations visited Tibet in the late 1970s and early 1980s and I strongly encourage China to allow them again.

I believe such delegations could increase awareness about the challenges facing Tibetans and Tibetan culture and enhance dialogue and cooperation with China on finding mutually beneficial solutions.

Indeed, as a friend of His Holiness and as a friend of all Tibetan people, I remain deeply concerned about the situation in Tibet.

In 2008, a wave of violence swept across Tibet which was met with violence by the Chinese government.

Reports out of Tibet continue to paint a picture of the suppression the Tibetan culture and people are confronted with.

And despite nine rounds of talks between the United Front Work Department of the Communist Party of China and envoys of His Holiness the Dalai Lama, a comprehensive solution to the Tibetan issue remains out of reach.

As a friend of China and the Dalai Lama, I am saddened to see the situation in Tibet further deteriorate.

The Dalai Lama has been trying to engage the Chinese leadership for more than 50 years.

In the 1990s, I carried three letters to President Jiang Zemin from the Dalai Lama requesting a face-to-face meeting.

In my view, the Dalai Lama's concerns are driven by the fact that the Chinese Government continues to suppress the Tibetan way of life.

Yet he has made it clear that he does not support independence for Tibet, but rather meaningful cultural and religious autonomy for the Tibetan people within the People's Republic of China.

This can only come about through meaningful dialogue and negotiation, not actions that would undermine Tibetan culture.

As such, I urge the administration to support fact-finding delegations to Tibet and work with our friends and allies in the international community to call on the Chinese Government to begin a substantive dialogue with the Dalai Lama on national reconciliation, respect for the Tibetan culture, and meaningful autonomy for Tibet.

I have been blessed to call the Dalai Lama a friend for more than 30 years. I first met him during a trip to India and Nepal in the fall of 1978.

During that trip I invited His Holiness to visit San Francisco—where I was mayor at the time—and he accepted. In September 1979, I was delighted to welcome the Dalai Lama to San Francisco to receive his first public recognition in the United States.

During our many conversations, His Holiness often reiterates that, at its core, Buddhism espouses reaching out to help others, particularly the less fortunate. And it encourages us all to be more kind and compassionate.

His teachings truly cross all religions, cultures, and ethnic lines.

Over the decades, his principled beliefs have never wavered, yet his teachings have become more expansive. His message of peace and understanding has never been more relevant than it is today.

In the midst of war and bloodshed, the Dalai Lama has been a champion for peace and nonviolence. In his quiet but undeniably firm manner, he challenges all of us to look beyond conflict and harmful rhetoric to seek positive change by embracing dialogue, cooperation, and negotiated solutions.

In the face of hatred and intolerance, he has faith in love, compassion, and respect.

He reminds people from all corners of the globe to move beyond our ethnic, religious, and racial divisions and embrace our common humanity. He encourages us to believe in something bigger than ourselves and work together for a better future.

He sets a wonderful example for all of us, and I am proud to call him friend.

I urge my colleagues to join me in supporting the Dalai Lama in working toward a humanitarian solution to the problems plaguing Tibet and the Tibetan people.

IRISH-AMERICAN HERITAGE MONTH

Mr. CARDIN. Madam President, today I applaud the President in declaring March 2011 Irish-American Heritage Month, and I speak in celebration of the rich Irish history, culture, and customs still alive today in the hearts and minds of Irish Americans everywhere.

The association of our two nations began early in our country's history. Irish immigrants arrived in the early colonial days as indentured servants, which was often the only affordable method of passage to the ''New World.'' Close to a quarter of a million Irish immigrated during the colonial era, and many of them to Maryland. Upon their arrival, they set immediately upon the heady things of the time: independence, and the building of a nation. Irish immigrants took up their new national identity with fervor, especially in Maryland, and helped to found lasting institutions. Charles Carroll, his family descendants from the Ó Cearbhaill lords of Éile, was a member of the second Continental Congress and signed the Declaration of Independence. His cousin, John Carroll, born in Upper Marlboro, was elected the first bishop of Baltimore, and was elevated to the first Archbishop of the United States when Pope Pius VII made Baltimore the first American Catholic archdiocese. James Calhoun, of Irish descent, was the first mayor of Baltimore City, and held a commission with the Baltimore militia.

From these auspicious beginnings, those reporting Irish ancestry in Maryland have today grown to over 700,000, according to the 2006 American Community Survey. These sons and daughters of Eire did not grow without tribulation. As famine and hunger gripped the Emerald Isle, nearly 3.5 million Irish immigrants fled to America between 1820 and 1880, engendering discriminatory reactions that often strayed into violence. Signs of ''No Irish Need Apply'' appeared in business windows, and young Irishmen were often drummed into service on the quayside to fight for the Union Army. Indeed, in my own home town of Baltimore, the mayoral elections of 1856, 1857 and 1858 were marred by violence, political intimidation and well-founded accusations of ballot-box stuffing, fomented by nativist political organizations, such as the Know-Nothing Party.

Irish Americans pushed past these shortsighted prejudices, time and again, and put their shoulders to the wheel of industry in America. They helped settle and farm the breadbasket of America, they took up arms in the defense of freedom and liberty, and they helped build an ever strengthening bond with the island nation of Ireland. They built strong communities around the values of hard work, perseverance, faith, and a shared remembrance of an ancestral home across the sea. Irish Americans have ever understood that great joy is only earned with great hardship, and our 35th President, John Fitzgerald Kennedy, showed this ethic. In service to our country, he faced down the threat of worldwide nuclear annihilation, and pushed our Nation to do the impossible: to claim the Moon as the province of man. Irish Americans proudly continue this tradition of service, and serve at every level of public office, including in the Governor's Mansion in Annapolis, MD, where Maryland's favorite Irish-American son, Governor Martin O'Malley, resides.

The millions of Irish that immigrated to the United States, escaping hunger and religious persecution, chasing the elusive American dream, forever knitted Ireland and America together. It is right that we honor this bond, and take this occasion to reflect on the deeply inlaid threads of American history and tradition that sound, look, feel, and are distinctly Irish.

HOUSE HEARINGS ON MUSLIM AMERICANS

Ms. STABENOW. Madam President, I rise today about an issue of grave concern to me. All of us agree that America must be vigilant to stop violent extremists and terrorists who want to attack our Nation. We must do everything possible to fight terrorism and keep our country safe and free.

But as we have seen, the House of Representatives recently held a hearing on the ''Extent of Radicalization in the American Muslim Community and that Community's Response,'' targeting only Muslim Americans. This approach is the wrong way to fight terrorism.

History has shown us that terrorists can come from anywhere, from any country or from any faith. We sadly know this from the tragedy in Oklahoma City. Focusing only on one group is not only un-American, it also ignores real threats from homegrown terrorists. Unfortunately, there are extremists in every religion. We know that the terrorists who attacked us on September 11, 2001, had perverted the message of Islam just as people have perverted other faiths at times throughout history to justify violent acts.

America is home to millions of hard-working, patriotic Muslim Americans who stand with us in the fight against terrorism. Muslim Americans died in the attack on September 11, 2001, and Muslim-American firefighters and police officers, who rushed into the towers to save people while putting their own lives at risk, were rightly called heroes.

I am proud to represent the great State of Michigan where we benefit every day from the hard work and dedication of Muslim leaders in business, medicine, education, science and many other professions. America was founded on the premise that all of its citizens are free to practice their religion openly, without government interference. We are a country founded on the principles of equality and liberty.

I urge my colleagues to continue to forcefully fight terrorism while respecting the values that our country was built upon.

REMEMBERING LIEUTENANT JAY FREDERICK SIMPSON

Mr. TESTER. Madam President, I rise today in honor of a man who gave his life serving the United States of America in World War II.

LT Jay Frederick Simpson was a pilot with the ''Mighty Eighth'' Air Force of the U.S. Army Air Corps.

On January 9, 1944, Lieutenant Simpson's mission was to test fly a Thunderbolt P–47 over Moreton, England. But something went wrong. His plane caught fire and flipped over in the air. As the P–47 hurtled to the ground, witnesses say Lieutenant Simpson managed to guide it away from nearby homes, avoiding certain casualties. Instead that P–47 crashed in a nearby field, killing the 27-year-old pilot.

Today, LT Jay Simpson is still celebrated as a hero in England. In fact, you can find a memorial to him in that grassy field.

But for three generations following Lieutenant Simpson's death, his heroism was overlooked by his own country. Until a year and a half ago. That is when a young man in Billings, MT, started doing some research. With help from his father and his grandfather, 14-year-old James Simpson discovered that his great-grandfather Jay never received the recognition he earned as a fallen American hero.

Young Jim Simpson wrote me a letter, saying proper recognition of his great-grandfather's service and sacrifice would bring about much needed closure for his family.

Indeed, honoring our heroes brings about much needed closure for all Americans. On behalf of a grateful nation, it is my tremendous honor to present LT Jay Simpson's medals to his great-grandson.

To Jim and all the Simpson family: Let these medals be family treasures that remind you—and all of us—that this Nation will never forget Jay's heroism. And we will never forget all Americans—known or unknown, celebrated or overlooked—who paid the ultimate price in service to the United States.

It is said that Lieutenant Simpson was a member of the Greatest Generation. But thanks to people like young Jim Simpson, I am reminded that there is greatness in all generations.

Thank you, Jim, for your hard work in allowing us to honor your great-grandfather. God bless you and your family.

REMEMBERING FRANK BUCKLES

Mr. ROCKEFELLER. Madam President, I was honored to participate in the events at Arlington National Cemetery to pay tribute to Frank Woodruff Buckles, the last surviving American World War I veteran and the representative of the lost generation of our ''Doughboys.'' It was a moving afternoon standing with so many on the knoll and seeing Frank Buckles buried in section 34, in sight of General Pershing's grave and among many other World War I veterans. I also thought about the American flags at half mast in our embassies in the countries of our World War I allies.

Honestly though, the way I want to remember Frank Buckles is in his study, surrounded by books and telling amazing stories about the adventures of his life. Frank Buckles' rich and colorful life is now part of our national history, our national consciousness and our national effort to pay tribute to the men and women who died in the most significant wars of the last century.

Frank's effort to join the Army was a deliberate commitment to join military service and he was eager to get to Europe. He loved the Army and his service in World War I as an ambulance driver which exposed him to some of the worst horrors of that conflict.

After his military service, Frank Buckles continued his efforts to engage the world. His life, a long sweeping arc across the last century, included an exciting and varied life where he traveled the world, working abroad and experiencing things that most of us can only read about. As if he hadn't endured enough suffering in the First World

War, he would later spend 3 years as a civilian POW in World War II.

When his days of being an active participant in two World Wars ended, he eventually settled into a quiet existence in Charles Town where his tractor, his farm, as well as his friends and family were enough to sustain him.

As I got to know him, I learned that his deep appreciation for books and culture was an important part of who he was. He spoke multiple languages, enjoyed talking about culture more than he did war, and was thoughtful and interested to the end.

To most of us though, Frank in the end amounted to so much more than just a man who had lived a life that was as interesting as it was unpredictable.

Frank became a symbol for the entire war for the nearly 4.5 million U.S. soldiers, sailors, airmen and marines who defeated the Central Powers in the first Great War.

As the last living connection to the First World War, his importance in our collective psyche grew with each passing year. He seemed impossibly stubborn and tough and his long and wonderful life made him all the more special.

Towards the end of his life, more and more people understood just how privileged we all were to keep company with the last surviving Doughboy.

He was a link to a long ago war, not forgotten but so far in the past that the pictures that we think of when we conjure up images are all grainy and tattered.

It made it all the more amazing that Frank was the only man who could honestly look any of us in the eye and say ''this is what the war was like.''

More than 116,000 Americans died in World War I. Frank was an adamant proponent of remembering these heroes by establishing a National World War I Memorial on the National Mall.

I agree and support him on that effort which is why I am the proud sponsor of the bipartisan bill to truly honor our World War I veterans. The bill would create a commission to plan for the upcoming centennial, and it would rededicate the DC memorial as the DC and National World War I memorial. It would also dedicate the National World War I Museum and Memorial in Kansas City, MO. I agree with Frank Buckles on the importance of remembering our veterans and want to say again here today: I am more determined than ever to make this happen and will not give up until we get that bill passed.

Finally, I want to extend my sympathies again to Frank's daughter, Susannah Buckles Flanagan. She has lovingly looked after Frank and helped make sure his last years were lived with dignity and care.

Frank, you will be missed.

REMEMBERING CÉSAR ESTRADA CHÁVEZ

Mr. UDALL of Colorado. Madam President, I rise today to recognize the life and achievements of César Estrada Chávez, a man who led our nation in the struggle for civil rights and whose efforts helped create a better future for all Americans.

On March 31, 2011, we will celebrate César Chávez Day to remember his courageous fight for justice and the lessons he taught us about the power people have when they join together to face the challenges before them.

Colorado's Hispanic community heard that message loud and clear during the days of the civil rights movement. Our State was an important stage for engaging Mexican-Americans in that time. Not only did Chávez-led efforts bring better living and working conditions to farm workers of all backgrounds in Colorado, from the Eastern Plains to the San Luis Valley and the Western Slope, but this movement also ignited service veterans, students and community leaders in Colorado to champion a cause that promoted equality, justice and empowerment. Leaders like Colorado's own Rodolfo ''Corky'' Gonzales, who as a young student labored in the beet fields and later became a respected poet and leader in the civil rights movement, joined an effort to speak for those who felt they had no voice and empowered those who felt helpless. Gonzales found strength in youth empowerment, and he dedicated his life to helping Hispanic youth in Colorado and the Southwest realize their value in their communities. The legacy of these leaders can be seen today in the many organizations that grew from this movement and which continue to inspire youth and veterans of all backgrounds to develop their talents and skills for a brighter future.

Our Western heritage is richer for the hard fought contributions of Rodolfo Gonzalez, César Chávez and others. These figures drew on their determination and hard work to cultivate a more informed youth and sow the seeds of civil justice in the West. Chávez embodied an unparalleled commitment to millions who worked the land to provide for their families and for a growing country. With his father unable to work, Chávez himself labored in the fields to support his family and provide a better life for them. He worked under poor conditions and earned low wages, facing the same struggles as so many migrant workers. Chávez's story serves as a testament to a community searching for justice. It was his resolute leadership that brought national attention to the unacceptable working conditions and unfair pay faced by farm workers in the West and across America.

Through nonviolent protest, Chávez mobilized and improved the lives of millions, and he is a role model for Coloradans, and all Americans. This March, communities throughout Colorado will once again come together to honor his legacy and the continued fight for justice. Today, I am proud to rise on behalf of Coloradans, to honor those continuing his work and to acknowledge Chávez and the vision captured in his own uniting words, ''We have seen the future, and the future is ours.''

TRIBUTE TO STEVEN J. GOOLS

Ms. STABENOW. Madam President, I rise today on behalf of myself and Senator LEVIN to pay tribute to Stephen J. Gools, a tireless champion of causes important to senior citizens and an agent of positive social change throughout his long and distinguished career. Indeed, there are many across Michigan that have benefited greatly from his many efforts over the years.

Since March 2000, Steve has served as director of the AARP Michigan State Office in Lansing, leading a team of 11 staff and serving more than 1.4 million AARP members in the Great Lakes State. Under his leadership, AARP Michigan has been enormously successful in protecting consumers, championing the rights of those over the age of 50 in communities across our State and helping AARP members live their lives to the fullest. His innovative volunteer training and development conferences have served as the gold standard for State management within AARP.

Prior to joining AARP, Steve served as communications director for the Michigan Democratic Party and held senior management positions with Michigan candidates. Steve worked for me as my communications director and played an instrumental role in electing me to Congress. In addition, he worked for the bipartisan Northeast-Midwest Congressional Coalition and the U.S. House Budget Committee Task Force on Community and Natural Resources.

Throughout his professional career, Steve has been a role model and shining example of leadership, intellectual curiosity, courage and determination. He always met his responsibilities with warmth, humor, and infectious enthusiasm.

To honor his work and leadership, AARP has announced the establishment of the Stephen J. Gools Award for Social Change. The annual award will recognize a Michigan individual or organization that demonstrates outstanding achievement in improving the lives of the 50+ population in our State.

It is most fitting that the award will bear the name of a man who has championed the causes of justice, compassion, and equality throughout his life. The award will encourage and recognize those who seek to follow in his footsteps.

We are grateful to him, his wife Kimberly, and his family for the work he has done for the people of Michigan and our country. He has had a lasting impact on the lives of many, and we honor his dedicated service.

TRIBUTE TO JOHN RHYNO

Mr. BROWN of Massachusetts. Madam President, I rise today to recognize John Rhyno of North Attleboro,

MA. John is a community leader with an innate sense of right and wrong and the courage to put it into action.

Some people decide they should help those in need. Some people do it as part of a company or religious group's volunteer day. Then there are the quiet heroes and unsung patriots like John, for whom helping others is simply part of who they are.

I met John during my first campaign for Massachusetts State Senate in 2003. He is the son of a World War II veteran, John Sr., who returned from the war to work as a jeweler, when that industry still had a commanding presence in the Attleboros. In addition to working long hours herself, John's mother was devoted to caring for her husband and their only son. The values John learned at home were reinforced in his community through the YMCA, Boy Scouts, church, and school sports.

As a boy, John did yard work, shoveled snow, fixed cars and did other odd jobs, contributing much of the money he earned to his parents to help make ends meet. His wife Sherry tells the story of a Christmas when a young John Rhyno surprised his parents by purchasing a tank full of heating oil from W.H. Riley & Co., a practice he continued over the years. Even though it was for his own home, the experience planted the seed within John that those closest to those in need know best how to help them through tight times. I will talk more about this in a moment.

At a young age, John demonstrated that doing what is right often requires as much courage and toughness as it does compassion. He would regularly stand up to bullies, even when they were picking on kids he hardly knew. John was also a talented athlete and excelled on North Attleboro High School's football field and in other varsity sports. As an adult, John coached local Catholic Youth Organization basketball teams.

After graduating from NAHS, he took night classes at Wentworth Institute and Fisher College, earning college degrees in automotive technology and business while working full-time managing the repair garage, motor pool, and snow removal for a local manufacturing plant. A devoted employee, John quickly assumed a good deal of responsibility. After more than a decade on the job, new management took over. One day, his new boss called him into his office and told John that to save money, John would have to lay off a subordinate. He refused. Taken aback, his boss explained in not-so-subtle terms the finer points of insubordination and its consequences. John got the message and did the only thing that seemed right to him. He quit, saving his subordinates job.

Within a few weeks, John and a friend hung a shingle at 675 East Washington Street in North Attleboro. Thirty years later, ''John & Ed's Garage'' remains a successful local business.

John Rhyno saw local public office as an opportunity to advocate for his friends and neighbors. He won his first race for North Attleboro Selectman in 2000. John and Sherry use the term ''office'' very broadly. Open office hours take place at the couple's home, where they encourage constituents to share their concern and ideas for making their community a better place to live, learn, work and play.

During the unusually hot summer of 2005, many local seniors on fixed incomes expressed concern over how they would afford the rising energy costs. John recalled how he was able to help his own parents decades earlier with much needed home heating oil and together with Sherry, a professional artist who retired from UMass Boston after 30 years in senior management, founded Neighbors Helping Neighbors. In the 6 years since they started the 501(c)(3) community assistance fund, it has raised and donated over $100,000 by and for the people of North Attleboro to help pay for home heating or just make ends meet until they get their feet on the ground. One hundred percent of all donations go directly to those in need through a voucher system—no red tape, bureaucracy, delays, overhead or excuses. There's no better proof than Neighbors Helping Neighbors that those closest to a problem are often in the best position to devise solutions.

The Rhynos still open their home for office hours, though local residents also know they can always just drop by John & Ed's Garage when they have got a concern. About to begin his twelfth year on the town's Board of Selectmen, John is known as an accessible commonsense problem solver who always seeks citizen input, often taking out newspaper surveys to gauge local opinion.

Residents are so accustomed to his sincerity it seems only his closest friends can tell when he is joking. One Easter Sunday, John and Sherry drove to inspect a local family's historic stone wall that the town had slated for removal. With the homeowner at a town board meeting on the issue a few weeks later, John decided to have a little fun. Doing his best to keep a straight face, John passionately told colleagues and residents of how as a boy visiting the town's historic Woodcock Garrison House, he heard the story of how townspeople stood on a stone wall with buckets of water for Paul Revere's horse on his historic midnight ride. John expected that his obvious tall tale would bring a few much needed laughs to the otherwise dry meeting. Instead, the board bought it hook, line and sinker and gave unanimous consent to save the wall.

On March 21, 2011, John Rhyno will receive the North Attleboro/Plainville Rotary Club's top honors: the Distinguished Service Award for Outstanding Citizen for his lifetime of advocacy for his community. I join them in honoring John and extend my own heartfelt thanks for his friendship counsel and his selfless dedication to his community.

ADDITIONAL STATEMENTS

TRIBUTE TO TOM COURTNEY

• Mr. CRAPO. Madam President, today I join my colleague Senator JIM RISCH as well as our colleague from the U.S. House of Representatives, Congressman MIKE SIMPSON, to recognize and pay tribute to the exceptional leadership and dedication of a great Idaho public servant, Mr. Tom Courtney, city manager of Twin Falls, ID. Tom has served the citizens of Twin Falls with distinction for almost 34 years. Initially hired as assistant city manager in 1977, he was promoted to city manager in 1980 where he continues to serve until his upcoming retirement on March 31, 2011. During Tom's tenure, the city saw tremendous growth and expansion as it transited from a predominantly agriculture-based economy to a manufacturing-based economy. Foreseeing these changes, Tom was instrumental in restructuring city government roles and functions to better serve the individual and the greater good of the community. Originally from California, Tom received his master's and bachelor degree from Utah State University and briefly worked for the city of Tracey, CA, and Stockton, CA, before coming to Idaho.

Tom's management and leadership style closely reflects the motto of the city of Twin Falls: ''People serving People.'' Tom has proven his leadership through his philosophy and actions. As a 40-year member of the International City/County Managers Association he has mentored many young leaders. Tom embodies the philosophy of servant leadership: Truly effective leaders go one step further and focus on service to those in their own organization, ensuring they are prepared, confident and empowered to reach their goals. These leaders create caring communities characterized by collaboration, trust and teamwork. Through his leadership, the city of Twin Falls has been managed with fiscal responsibility and an unwavering sense of ethics and integrity.

Tom's commitment to the city should not be overshadowed by his love and dedication to his wife Mary and three children, Mike, Amy and Ryan, and six grandchildren, Mathew, Courtney, Hailey, Jack, Nathan and Quinn. While very much engaged in his family's lives and activities, Tom's retirement will give Mary and him more opportunities to be full-time grandparents.

It is hard to live in Idaho for so many years and not develop a passion for its beauty and outdoors. True to his commitment to enjoy life to its fullest extent, Tom is an avid backpacker and fisherman. We hope he is planning on many more days of hiking in the Sawtooth Mountains and fishing for steelhead in the Salmon River. Besides a dedicated outdoor enthusiast, Tom is a devoted runner who has completed numerous marathons in Idaho and

throughout the West. His dedication to running provided the opportunity to achieve a personal highlight, serving as a torch bearer for the 2002 Salt Lake City Olympic Winter Games.

It is with great pride and admiration that I, Senator RISCH, and Congressman SIMPSON thank Tom Courtney for his unselfish service and dedication to the city of Twin Falls and the great State of Idaho. We wish him a happy and productive retirement.●

TRIBUTE TO GENERAL STEVEN R. DOOHEN

● Mr. JOHNSON of South Dakota. Madam President, today I pay tribute to MG Steven R. Doohen, who will be retiring at the end of the month as adjutant general for the South Dakota National Guard.

General Doohen joined the South Dakota Air National Guard in January 1971, later receiving his commission from the Academy of Military Sciences at McGhee Tyson, TN. He graduated from the University of Sioux Falls in 1987 with a bachelor of arts in organizational behavior management. Over the course of his distinguished 40-year career, General Doohen has become highly decorated and amassed more than 4,500 hours of tactical flight time.

General Doohen was appointed adjutant general of the South Dakota National Guard on September 16, 2007, by then-Governor M. Michael Rounds. In this role, General Doohen oversees 4,400 Air and Army National Guard citizen soldiers and airmen, in addition to 950 Federal and State employees. General Doohen has also served in the Governor's cabinet as the Secretary of Military and Veteran Affairs.

South Dakota's Army National Guard ranks No. 2 in the Nation in recruiting and retention of soldiers, largely due to General Doohen's drive and eagerness to serve our State. The South Dakota Army and Air National Guard have always produced and provided highly skilled, professional, and dedicated citizen soldiers and airmen. Their skills and expertise have complemented our Nation's military efforts, both overseas and on the homefront, and assisted South Dakota's efforts when fighting natural disasters. Another result of producing such great soldiers and airmen has been the ongoing development of great leaders for both the Army and Air National Guard, and that has been reflected in the expert oversight and leadership of General Doohen.

Under General Doohen's leadership, the South Dakota Army National Guard has deployed over 3,000 soldiers in support of military operations in the Middle East. General Doohen and I share a commitment to the family members of our military and know how deployments impact the entire family. He ensures that mobilizations, as well as welcome-home ceremonies, are the best possible, bringing the Governor, congressional delegation, and community members together to honor our National Guard. General Doohen also makes sure all soldiers and airmen have access to the best chaplains and family readiness professionals. His leadership in these areas has meant a lot to the men and women of our National Guard and their families.

In addition to the contributions General Doohen has made to the State of South Dakota, his wife Gloria has also played a vital role in supporting our service men and women and their families. She has spearheaded efforts to send thousands of care packages to deployed South Dakotans over the past decade and led efforts to recognize and honor the greatest sacrifice of our South Dakota men and women through the Fallen Heroes Banner project. I thank her for her advocacy and work alongside General Doohen.

I commend General Doohen for the work and many years of service he has given the State of South Dakota and our Nation. General Doohen clearly cares deeply about each member of the South Dakota National Guard, and it shows in his every action. His dedicated service to our grateful Nation will not be forgotten.●

TRIBUTE TO MARY JO MAY

● Mr. JOHNSON of South Dakota. Madam President, today I wish to publicly commend Mary Jo May of Kyle, SD, on her impressive research and dedication to the preservation of Native American service members' history.

Mary Jo May, a student at Black Hills State University, was a proud participant in the prestigious Washington Internship for Native Students, WINS, program. While in Washington, DC, Mary Jo worked at the Department of Veterans Affairs to preserve the great history of Native American service members through detailed research and analysis. She conducted research at the Library of Congress, the National Archives, the Women's Memorial Archives, and many other museums.

Through her research, the VA produced an exhibit detailing the stories and groundbreaking actions of several Native American service women, including the challenges and hardships the women overcame to achieve greatness in their military careers. Mary Jo's exhibit was selected for display at the Women's Memorial at Arlington National Cemetery and soon will be displayed at the Smithsonian Institute's National Museum of the American Indian.

Mary Jo was awarded the Gates Millennium Scholarship for her academic achievement, community involvement, and leadership ability. Mary Jo's goal is to bring her exhibit and research to South Dakota and have it be displayed at the VA Black Hills Health Care System in Hot Springs and Sturgis. She hopes to someday share her passion for learning as a teacher.

It is with great honor that I share her impressive accomplishments with my colleagues. Mary Jo's commitment to her history embodies what is great about South Dakota. I am proud to recognize her, and I look forward to seeing what else this remarkable young woman accomplishes.●

TRIBUTE TO SARA ELTON

● Mr. JOHNSON of South Dakota. Madam President, today I recognize Sara Elton, director of the Black Hills National Cemetery at Sturgis, SD. Sara has served as director of the Black Hills facility for 3 years and has recently been named the chief of operations for Memorial Service Network III in Denver, CO, for the National Cemetery Administration.

Ms. Elton's Federal service career spans 12 years, and I have been most impressed with her work and leadership at the Black Hills National Cemetery. She has provided oversight for numerous changes at the facility, and she and her staff have provided great service to veterans and their families as well as South Dakota veterans organizations. She has initiated many opportunities to recognize veterans, including the traditional Memorial Day and Four Chaplains Services. She also oversaw the Unaccompanied Veterans Memorial Service, in which veterans with no surviving family members are honored in a special service.

Sara's greatest efforts have been overseeing the daily tasks of maintaining the grounds and gravesites of the thousands of veterans and family members interred at the Black Hills National Cemetery, as well as counseling family members in times of grief and working to facilitate the burials of veterans when issues arise with discharge and eligibility. She has approached her public service with a high degree of professionalism, dedication, and commitment to our Nation's veterans. I applaud her for her service and wish her well in her new endeavors.●

TRIBUTE TO INDIA ADERHOLD

● Mr. THUNE. Madam President, today I recognize India Aderhold, an intern in my Aberdeen, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

India is a native of Bath, SD. Currently, she is taking classes from Thomas Edison State College, where she is pursuing a major in English. She is a very hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to India for all of the fine work she has done and wish her continued success in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

At 12:05 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 bill, in which it requests the concurrence of the Senate:

H.R. 861. An act to rescind the third round of funding for the Neighborhood Stabilization Program and to terminate the program.

ENROLLED JOINT RESOLUTION SIGNED

At 4:12 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 48. Joint resolution making further continuing appropriations for fiscal year 2011, and for other purposes.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. INOUYE).

At 6:11 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 bill, in which it requests the concurrence of the Senate:

H.R. 1076. An act to prohibit Federal funding of National Public Radio and the use of Federal funds to acquire radio content.

MEASURES REFERRED

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

H.R. 861. An act to rescind the third round of funding for the Neighborhood Stabilization Program and to terminate the program; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1076. An act to prohibit Federal funding of National Public Radio and the use of Federal funds to acquire radio content; to the Committee on Commerce, Science, and Transportation.

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–916. 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 ''Dichlormid; Pesticide Tolerances'' (FRL No. 8866–2) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–917. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Personal Transactions in Securities; Interim Rule'' (RIN1550–AC16) received in the Office of the President of the Senate on March 15, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–918. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Personal Transactions in Securities; Final Rule'' (RIN1550–AC16) received in the Office of the President of the Senate on March 15, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–919. A communication from the Attorney Adviser, Community Development Financial Institutions Fund, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Capital Magnet Fund'' (RIN1559–AA00) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–920. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Emergency Homeowners' Loan Program—Interim Rule'' (RIN2502–AI97) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–921. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to blocking the property of certain persons contributing to the conflict in Somalia that was declared in Executive Order 13536 of April 12, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–922. A communication from the Executive Director, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Annual Update of Filing Fees'' (RIN1902–AE27) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Energy and Natural Resources.

EC–923. A communication from the Chair of the Medicaid and CHIP Payment Access Commission, transmitting the commission's ''Report to Congress on Medicaid and CHIP''; to the Committee on Finance.

EC–924. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Determining Medical Necessity and Appropriateness of Care for Medicare Long Term Care Hospitals''; to the Committee on Finance.

EC–925. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–50; Introduction'' (FAC 2005–50) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–926. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–50; Small Entity Compliance Guide'' (FAC 2005–50) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–927. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–50; Technical Amendments'' (FAC 2005–50) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–928. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Compensation for Personal Services'' ((RIN9000–AL54) (FAC 2005–50)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–929. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Trade Agreements Thresholds'' ((RIN9000–AL57) (FAC 2005–50)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–930. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Use of Commercial Services Item Authority'' ((RIN9000–AL44) (FAC 2005–50)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–931. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Socioeconomic Program Parity'' ((RIN9000–AL88) (FAC 2005–50)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–932. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Additional Requirements for Market Research'' ((RIN9000–AL50) (FAC 2005–50)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–933. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Justification and Approval of Sole-Source 8(a) Contracts'' ((RIN9000–AL55) (FAC 2005–50)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–934. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Requirements for Acquisitions Pursuant to Multiple-Award Contracts'' ((RIN9000–AL93)(FAC 2005–50)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–935. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Proper Use and Management of Cost-Reimbursement Contracts'' ((RIN9000–AL78) (FAC 2005–50)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–936. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Disclosure and Consistency of Cost Accounting Practices for Contracts Awarded to Foreign Concerns'' ((RIN9000–AL58) (FAC 2005–50)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–937. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services to Japan for the manufacture and support of the KD2R–5 Aerial Target System Program in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–938. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, to include technical data, and defense services for the support of the AVDS–1790 Engine Improvement Program and depot level maintenance training for the HMPT 500 Transmissions currently installed in Ministry of Defense of Israel combat vehicles in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–939. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to proposed amendments to Parts 123 and 126 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC–940. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report certifying for fiscal year 2011 that no United Nations agency or United Nations affiliated agency grants any official status, accreditation, or recognition to any organization which promotes and condones or seeks the legalization of pedophilia, or which includes as a subsidiary or member any such organization; to the Committee on Foreign Relations.

EC–941. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report by the Office of the Global AIDS Coordinator relative to the Partnership Framework signed with the Government of Zambia; to the Committee on Foreign Relations.

EC–942. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report by the Office of the Global AIDS Coordinator relative to the Partnership Framework signed with the Government of Namibia; to the Committee on Foreign Relations.

EC–943. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report by the Office of the Global AIDS Coordinator relative to the Partnership Framework signed with the Government of Botswana; to the Committee on Foreign Relations.

EC–944. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report by the Office of the Global AIDS Coordinator relative to the Partnership Framework signed with the Government of the Republic of South Africa; to the Committee on Foreign Relations.

EC–945. A communication from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting, pursuant to law, a report relative to a vacancy in the position of Inspector General of the Corporation for National and Community Service, received in the Office of the President of the Senate on March 16, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–946. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Secondary Direct Food Additives Permitted in Food for Human Consumption'' (Docket No. FDA–2010–F–0200) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–947. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Amendments to General Regulations of the Food and Drug Administration; Confirmation of Effective Date'' (RIN0910–AG55) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–948. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Clarification of Countries and Geographic Areas Eligible for Participation in the Guam-Commonwealth of the Northern Mariana Islands Visa Waiver Program'' (RIN1651–AA81) received in the Office of the President of the Senate on March 16, 2011; to the Committee on the Judiciary.

EC–949. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Ice Conditions for the Baltimore Captain of Port Zone'' ((RIN1625–AA00) (Docket No. USCG–2010–1136)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–950. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Allegheny River, Pittsburgh, PA'' ((RIN1625–AA00) (Docket No. USCG–2010–1082)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–951. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; 23rd Annual North American International Auto Show, Detroit River, Detroit, MI'' ((RIN1625–AA87) (Docket No. USCG–2010–1133)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–952. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Columbia River, The Dalles Lock and Dam'' ((RIN1625–AA00) (Docket No. USCG–2010–1109)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–953. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations; New Jersey Intracoastal Waterway, Manasquan River'' ((RIN1625–AA09) (Docket No. CGD05–05–079)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–954. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Atlantic Ocean Five Miles South of Boca Chica, FL'' ((RIN1625–AA87) (Docket No. COTP Key West 06–029)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–955. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Underwater Hazard, Gravesend Bay, Brooklyn, NY'' ((RIN1625–AA00) (Docket No. USCG–2010–1126)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–956. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; 500 yards North and South, bank to bank, of position 29 48.77′N 091 33.02′W, Charenton Drainage and Navigation Canal, St. Mary Parish, LA'' ((RIN1625–AA00) (Docket No. USCG–2010–1120)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–957. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Beaufort River/Atlantic Intracoastal Waterway, Beaufort, SC'' ((RIN1625–AA00) (Docket No. USCG–2010–0995)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–958. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lake Mead Intake Construction, Lake Mead, Boulder City, NV'' ((RIN1625–AA00) (Docket No. USCG–2010–1112)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–959. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; San Diego Parade of Lights Fireworks, San Diego, CA'' ((RIN1625–AA00) (Docket No. USCG–2010–1011)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–960. A communication from the Attorney Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Mississippi River, Iowa and Illinois'' ((RIN1625–AA09) (Docket No. CGD08–06–001)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–961. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Large Passenger Vessel Crew Requirements'' ((RIN1625–AB16) (Docket No. USCG–2007–27761)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–962. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Notice of Arrival on the Outer Continental Shelf'' ((RIN1625–AB28) (Docket No. USCG–2008–1088)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–963. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; Reporting Requirements for Barges Loaded with Certain Dangerous Cargoes, Inland Rivers, Eighth Coast Guard District; Stay'' ((RIN1625–AA11) (Docket No. USCG–2010–1115)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–964. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Traffic Separation Schemes: In the Approaches to Portland, ME; in the Approaches to Boston, MA; in the Approaches to Narragansett Bay, RI and Buzzards Bay, MA; in the Approaches to Chesapeake Bay, VA, and in the Approaches to the Cape Fear River, NC'' ((RIN1625–AB55) (Docket No. USCG–2010–0718)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–965. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure'' (RIN0648–XA245) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–966. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program'' (RIN0648–XA256) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–967. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska'' (RIN0648–XA237) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–968. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA252) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–969. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska'' (RIN0648–XA257) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–970. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska'' (RIN0648–XA258) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–971. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Inseason Adjustments to Fishery Management Measures'' (RIN0648–BA57) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–972. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Hawaii Bottomfish and Seamount Groundfish Fisheries; Fishery Closure'' (RIN0648–XA174) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–973. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 2011 and 2012 Harvest Specifications for Groundfish'' (RIN0648–XZ90) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–974. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 2011 and 2012 Harvest Specifications for Groundfish'' (RIN0648–XZ89) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–975. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (Appliance Labeling Rule)'' (RIN3084–AB15) received in the Office of the President of the Senate on March 11, 2011; to the Committee on Commerce, Science, and Transportation.

EC–976. A communication from the Vice President, Government Affairs and Corporate Communications, National Railroad Passenger Corporation, Amtrak, transmitting, pursuant to law, a report relative to Amtrak's Executive Level 1 salary for 2010; to the Committee on Commerce, Science, and Transportation.

EC–977. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report entitled ''2011 National Aeronautics and Space Administration (NASA) Strategic Plan''; to the Committee on Commerce, Science, and Transportation.

EC–978. A communication from the Director of Operational Test and Evaluation, Office of the Secretary of Defense, transmitting, pursuant to law, the Operational Test and Evaluation's fiscal year 2010 annual report; to the Committee on Armed Services.

EC–979. A communication from the Acting Assistant Secretary, Office of Fossil Energy, Department of Energy, transmitting, pursuant to law, a report entitled ''Fiscal Year 2009 Methane Hydrate Program Report to Congress''; to the Committee on Energy and Natural Resources.

EC–980. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Disclosure of Return Information in Connection with Written Contracts Among the IRS, Whistleblowers, and Legal Representatives of Whistleblowers'' (RIN1545-BG73) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Finance.

EC–981. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Temperature-Indicating Devices; Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers'' ((21 CFR Part 113)(Docket No. FDA–2007–N–0265)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–982. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''New Animal Drugs for Minor Use and Minor Species; Confirmation of Effective Date'' ((21 CFR Part 516)(Docket No. FDA–2010–N–0534)) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–983. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the fourth quarter of fiscal year 2010 quarterly report of the Department of Justice's Office of Privacy and Civil Liberties; to the Committee on the Judiciary.

EC–984. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services to the Commonwealth of Australia for the manufacture, assembly, testing, qualification, maintenance and repair of military aiming lasers, infrared illuminators, and associated military electronics; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. FEINSTEIN, from the Select Committee on Intelligence:

Special Report entitled ''Report of the Select Committee on Intelligence, United States Senate, Covering the Period January 3, 2009, to January 4, 2011'' (Rept. No. 112–3).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources:

Special Report entitled ''History, Jurisdiction, and a Summary of Activities of the Committee on Energy and Natural Resources during the 111th Congress.'' (Rept. No. 112–4).

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 193. A bill to extend the sunset of certain provisions of the USA PATRIOT Act, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

Kathryn D. Sullivan, of Ohio, to be an Assistant Secretary of Commerce.

Frances M.D. Gulland, of California, to be a Member of the Marine Mammal Commission for a term expiring May 13, 2012.

Ann D. Begeman, of Virginia, to be a Member of the Surface Transportation Board for a term expiring December 31, 2015.

Mario Cordero, of California, to be a Federal Maritime Commissioner for the term expiring June 30, 2014.

Philip E. Coyle, III, of California, to be an Associate Director of the Office of Science and Technology Policy.

Rebecca F. Dye, of North Carolina, to be a Federal Maritime Commissioner for the term expiring June 30, 2015.

National Oceanic and Atmospheric Administration nominations beginning with Joshua J. Slater and ending with Patrick M. Sweeney III, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

National Oceanic and Atmospheric Administration nominations beginning with Aaron D. Maggied and ending with Michael S. Silagi, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Coast Guard nomination of Rear Adm. Brian M. Salerno, to be Vice Admiral.

Coast Guard nomination of Vice Adm. John P. Currier, to be Vice Admiral.

Coast Guard nomination of Vice Adm. Robert C. Parker, to be Vice Admiral.

Coast Guard nomination of Vice Adm. Manson K. Brown, to be Vice Admiral.

Coast Guard nomination of Phillip F. Brooking, to be Captain.

Coast Guard nominations beginning with Ivan R. Meneses and ending with William A. Schulz, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

National Oceanic and Atmospheric Administration nominations beginning with Brian J. Adornato and ending with Eric G. Younkin, which nominations were received by the Senate and appeared in the Congressional Record on March 2, 2011.

National Oceanic and Atmospheric Administration nomination of Zachary P. Cress, to be Lieutenant (junior grade).

By Mr. LEAHY for the Committee on the Judiciary.

Edward Milton Chen, of California, to be United States District Judge for the Northern District of California.

James Michael Cole, of the District of Columbia, to be Deputy Attorney General, to which position he was appointed during the last recess of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. WYDEN (for himself, Mr. BARRASSO, Mr. BROWN of Ohio, Mr. INOUYE, Mr. JOHNSON of South Dakota, Mr. BEGICH, and Mr. DURBIN):

S. 604. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mrs. FEINSTEIN, Mr. HATCH, Ms. KLOBUCHAR, Mr. MANCHIN, Mrs. HAGAN, and Mr. WHITEHOUSE):

S. 605. A bill to amend the Controlled Substances Act to place synthetic drugs in Schedule I; to the Committee on the Judiciary.

By Mr. CASEY (for himself, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. ISAKSON, and Mr. FRANKEN):

S. 606. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the priority review voucher incentive program relating to tropical and rare pediatric diseases; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 607. A bill to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 608. A bill to provide limitations on maritime liens on fishing licenses and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE (for himself and Mr. JOHANNS):

S. 609. A bill to provide for the establishment of a committee to assess the effects of certain Federal regulatory mandates; to the Committee on Environment and Public Works.

By Mr. INHOFE:

S. 610. A bill to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. SNOWE (for herself and Mr. WARNER):

S. 611. A bill to provide greater technical resources to FCC Commissioners; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself and Mr. MERKLEY):

S. 612. A bill to amend the Energy Policy and Confirmation Act to require the Secretary of Energy to develop and implement a strategic petroleum demand response plan to reduce the consumption of petroleum products by the Federal Government; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Ms. MIKULSKI, and Mr. SANDERS):

S. 613. A bill to amend the Individuals with Disabilities Education Act to permit a prevailing party in an action or proceeding brought to enforce the Act to be awarded expert witness fees and certain other expenses; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself and Mr. LIEBERMAN):

S. 614. A bill to require the Attorney General to consult with appropriate officials within the executive branch prior to making the decision to try an unprivileged enemy belligerent in Federal Court; to the Committee on the Judiciary.

By Mr. VITTER:

S. 615. A bill to improve the accountability and transparency in infrastructure spending by requiring a life-cycle cost analysis of major infrastructure projects, providing the flexibility to use alternate infrastructure type bidding procedures to reduce project costs, and requiring the use of design standards to improve efficiency and save taxpayer dollars; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SANDERS (for himself, Ms. MIKULSKI, Mr. BROWN of Ohio, Ms. CANTWELL, and Mr. COONS):

S. 616. A bill to amend the Elementary and Secondary Education Act of 1965 in order to support the community schools model; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself and Mr. ENSIGN):

S. 617. A bill to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Te-moak Tribe of Western Shoshone Indians of Nevada, and or other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. MCCAIN, and Mr. LIEBERMAN):

S. 618. A bill to promote the strengthening of the private sector in Egypt and Tunisia; to the Committee on Foreign Relations.

By Mr. UDALL of New Mexico:

S. 619. A bill to assist in the coordination among science, technology, engineering, and mathematics efforts in the States, to strengthen the capacity of elementary schools, middle schools, and secondary schools to prepare students in science, technology, engineering, and mathematics, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 620. A bill to authorize the Secretary of Education to make grants to support fire safety education programs on college campuses; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER:

S. 621. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to provide for use of excess funds available under that Act to provide for certain benefits, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BENNET (for himself and Mr. ALEXANDER):

S. 622. A bill to establish the Commission on Effective Regulation and Assessment Systems for Public Schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL:

S. 623. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Mr. MENENDEZ:

S. 624. A bill to authorize the Department of Housing and Urban Development to transform neighborhoods of extreme poverty into

sustainable, mixed-income neighborhoods with access to economic opportunities, by revitalizing severely distressed housing, and investing and leveraging investments in well-functioning services, educational opportunities, public assets, public transportation, and improved access to jobs; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR (for herself and Mr. ALEXANDER):

S. 625. A bill to amend title 23, United States Code, to incorporate regional transportation planning organizations into statewide transportation planning, and for other purposes; to the Committee on Environment and Public Works.

By Ms. CANTWELL (for herself, Mr. VITTER, Mr. CARPER, Mr. COCHRAN, Mr. INOUYE, Ms. LANDRIEU, and Mrs. MURRAY):

S. 626. A bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. CORNYN, Mr. WHITEHOUSE, and Mr. TESTER):

S. 627. A bill to establish the Commission on Freedom of Information Act Processing Delays; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 628. A bill to authorize the Secretary of the Interior to convey a railroad right of way between North Pole, Alaska, and Delta Junction, Alaska, to the Alaska Railroad Corporation; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself, Mr. BEGICH, Mr. BINGAMAN, Ms. CANTWELL, Mr. CRAPO, Mrs. MURRAY, Mr. RISCH, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 629. A bill to improve hydropower, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 630. A bill to promote marine and hydrokinetic renewable energy research and development, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 631. A bill to extend certain Federal benefits and income tax provisions to energy generated by hydropower resources; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mrs. GILLIBRAND, Mrs. HAGAN, and Mr. BURR):

S. 632. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to extend the authorized period for rebuilding of certain overfished fisheries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. BROWN of Massachusetts, Mr. MERKLEY, and Mr. ENZI):

S. 633. A bill to prevent fraud in small business contracting, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. SCHUMER (for himself, Mr. LIEBERMAN, Mr. WYDEN, Mr. FRANKEN, Mr. NELSON of Florida, Mr. RUBIO, Mrs. GILLIBRAND, and Mr. LAUTENBERG):

S. 634. A bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons; to the Committee on the Judiciary.

By Mr. LEE (for himself and Mr. MCCAIN):

S. 635. A bill to direct the Secretary of the Interior to sell certain Federal lands in Arizona, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, and Wyoming, previously identified as suitable for disposal, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 636. A bill to provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes; to the Committee on Indian Affairs.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 637. A bill to establish a program to provide guarantees for debt issued by or on behalf of State catastrophe insurance programs to assist in the financial recovery from earthquakes, earthquake-induced landslides, volcanic eruptions, and tsunamis; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. MCCAIN, Mr. SCHUMER, Mrs. BOXER, and Mrs. HUTCHISON):

S. 638. A bill to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. MCCAIN, Mr. SCHUMER, Mrs. BOXER, and Mrs. HUTCHISON):

S. 639. A bill to authorize to be appropriated $950,000,000 for each of the fiscal years 2012 through 2015 to carry out the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

By Mr. AKAKA (for himself and Mr. CARPER):

S. 640. A bill to underscore the importance of international nuclear safety cooperation for operating power reactors, encouraging the efforts of the Convention on Nuclear Safety, supporting progress in improving nuclear safety, and enhancing the public availability of nuclear safety information; to the Committee on Foreign Relations.

By Mr. DURBIN (for himself, Mr. CORKER, Mr. REID, Mr. ROBERTS, Mr. CARDIN, Mr. ISAKSON, and Mr. LEAHY):

S. 641. A bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005; to the Committee on Foreign Relations.

By Mr. LEAHY:

S. 642. A bill to permanently reauthorize the EB–5 Regional Center Program; to the Committee on the Judiciary.

By Ms. STABENOW (for herself and Ms. SNOWE):

S. 643. A bill to amend title XIX of the Social Security Act to direct Medicaid EHR incentive payments to federally qualified health centers and rural health clinics; to the Committee on Finance.

By Mr. BURR (for himself, Mr. COBURN, Mr. CHAMBLISS, Mr. MCCAIN, Mr. JOHNSON of Wisconsin, Mr. CORNYN, Mr. THUNE, Mr. INHOFE, Mr. KYL, Mr. SESSIONS, Mr. ENSIGN, Mr. LEE, and Mr. TOOMEY):

S. 644. A bill to amend subchapter II of chapter 84 of title 5, United States Code, to prohibit coverage for annuity purposes for any individual hired as a Federal employee after 2012; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHUMER (for himself, Mr. HATCH, Mr. ENSIGN, Mr. BROWN of Ohio, Mr. JOHANNS, Mr. WHITEHOUSE, and Mrs. GILLIBRAND):

S. 645. A bill to amend the National Child Protection Act of 1993 to establish a permanent background check system; to the Committee on the Judiciary.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 646. A bill to reauthorize Federal natural hazards reduction programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS:

S. 647. A bill to authorize the conveyance of mineral rights by the Secretary of the Interior in the State of Montana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. GILLIBRAND:

S. 648. A bill to require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease; to the Committee on Finance.

By Mrs. GILLIBRAND:

S. 649. A bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma , and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENSIGN:

S. 650. A bill to require greater transparency concerning the criteria used to grant waivers to the job-killing health care law and to ensure that applications for such waivers are treated in a fair and consistent manner, irrespective of the applicant's political contributions or association with a labor union, a health plan provided for under a collective bargaining agreement, or another organized labor group; to the Committee on Finance.

By Mrs. HAGAN (for herself and Mr. BURR):

S. 651. A bill to require the Secretary of the Interior to convey the McKinney Lake National Fish Hatchery to the State of North Carolina, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KERRY (for himself, Mrs. HUTCHISON, Mr. WARNER, and Mr. GRAHAM):

S. 652. A bill to facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of an American Infrastructure Financing Authority, to provide for an extension of the exemption from the alternative minimum tax treatment for certain tax-exempt bonds, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. LAUTENBERG (for himself, Ms. COLLINS, Mr. LEVIN, Mr. SANDERS, and Mr. MENENDEZ):

S. Res. 104. A resolution designating September 2011 as ''Campus Fire Safety Month''; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. LIEBERMAN, Mr. MCCAIN, Mr. CARDIN, Mrs. SHAHEEN, Mr. GRAHAM, Mr. KYL, Mr. BARRASSO, Mr. UDALL of Colorado, Mr. KIRK, and Mr. LAUTENBERG):

S. Res. 105. A resolution to condemn the December 19, 2010, elections in Belarus, and to call for the immediate release of all political prisoners and for new elections that meet international standards; considered and agreed to.

By Mrs. GILLIBRAND (for herself, Mr. SCHUMER, and Mrs. MURRAY):

S. Res. 106. A resolution recognizing the 100th anniversary of the Triangle Shirtwaist Company fire in New York City on March 25, 1911, and designating the week of March 21, 2011, through March 25, 2011, as the ''100th Anniversary of the Triangle Shirtwaist Factory Fire Remembrance Week''; considered and agreed to.

By Mr. WICKER (for himself and Mr. PRYOR):

S. Res. 107. A resolution designating April 4, 2011, as ''National Association of Junior Auxiliaries Day''; considered and agreed to.

By Mr. LUGAR:

S. Res. 108. A resolution expressing the sense of the Senate on the importance of strengthening investment relations between the United States and Brazil; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 9, a bill to reform America's political system and eliminate gridlock that blocks progress.

S. 28

At the request of Mr. ROCKEFELLER, the name of the Senator from Colorado (Mr. BENNET) 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. 211

At the request of Mr. ISAKSON, the names of the Senator from Nebraska (Mr. JOHANNS), the Senator from Utah (Mr. HATCH), the Senator from Ohio (Mr. PORTMAN), the Senator from North Carolina (Mr. BURR), the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 211, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and performance of the Federal Government.

S. 260

At the request of Mr. NELSON of Florida, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Missouri (Mr. BLUNT) 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. 296

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

S. 300

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 300, a bill to prevent abuse of Government charge cards.

S. 328

At the request of Mr. BROWN of Ohio, the name of the Senator from Michigan (Ms. STABENOW) 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. 358

At the request of Mr. ROBERTS, the names of the Senator from Massachusetts (Mr. BROWN), the Senator from Wisconsin (Mr. JOHNSON) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 358, a bill to codify and modify regulatory requirements of Federal agencies.

S. 366

At the request of Mrs. GILLIBRAND, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 366, a bill to require disclosure to the Securities and Exchange Commission of certain sanctionable activities, and for other purposes.

S. 369

At the request of Mr. ENZI, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 369, a bill to award posthumously a Congressional Gold Medal to Giuseppe Garibaldi, and to Recognize the Republic of Italy on the 150th Anniversary of its Unification.

S. 382

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. 382, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other permits.

S. 392

At the request of Mr. UDALL of New Mexico, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 392, a bill to support and encourage the health and well-being of elementary school and secondary school students by enhancing school physical education and health education.

S. 393

At the request of Mr. REED, the names of the Senator from Washington (Mrs. MURRAY), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 393, a bill to aid and support pediatric involvement in reading and education.

S. 394

At the request of Mr. KOHL, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 394, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 414

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor 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 Nevada (Mr. ENSIGN) 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. 425

At the request of Mr. UDALL of Colorado, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 425, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 431

At the request of Mr. PRYOR, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 466

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 466, a bill to provide for the restoration of legal rights for claimants under holocaust-era insurance policies.

S. 474

At the request of Ms. SNOWE, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 474, a bill to reform the regulatory process to ensure that small businesses are free to compete and to create jobs, and for other purposes.

S. 486

At the request of Mr. WHITEHOUSE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 486, a bill to amend the Servicemembers Civil Relief Act to enhance protections for members of the uniformed services relating to mortgages, mortgage foreclosure, and eviction, and for other purposes.

S. 491

At the request of Mr. PRYOR, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 504

At the request of Mr. DEMINT, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 504, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 509

At the request of Mr. UDALL of Colorado, the name of the Senator from Hawaii (Mr. INOUYE) 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. 520

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. KYL) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 520, a bill to repeal the Volumetric Ethanol Excise Tax Credit.

S. 534

At the request of Mr. KERRY, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 570

At the request of Mr. TESTER, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 570, a bill to prohibit the Department of Justice from tracking and cataloguing the purchases of multiple rifles and shotguns.

S. 575

At the request of Mr. TESTER, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 575, a bill to study the market and appropriate regulatory structure for electronic debit card transactions, and for other purposes.

S. 598

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 598, a bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage.

S. 600

At the request of Mr. MENENDEZ, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 600, a bill to promote the diligent development of Federal oil and gas leases, and for other purposes.

S. 603

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 603, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. CON. RES. 4

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) 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. 20

At the request of Mr. JOHANNS, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 20, a resolution expressing the sense of the Senate that the United States should immediately approve the United States-Korea Free Trade Agreement, the United States-Colombia Trade Promotion Agreement, and the United States-Panama Trade Promotion Agreement.

S. RES. 87

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. Res. 87, a resolution designating the year of 2012 as the ''International Year of Cooperatives''.

AMENDMENT NO. 231

At the request of Mr. PAUL, the names of the Senator from South Carolina (Mr. DEMINT) and the Senator from Nebraska (Mr. JOHANNS) were added as cosponsors of amendment No. 231 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 234

At the request of Ms. LANDRIEU, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 234 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 241

At the request of Mr. RISCH, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of amendment No. 241 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 242

At the request of Mr. UDALL of Colorado, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of amendment No. 242 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 243

At the request of Ms. KLOBUCHAR, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of amendment No. 243 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. BARRASSO, Mr. BROWN of Ohio, Mr. INOUYE, Mr. JOHNSON of South Dakota, Mr. BEGICH, and Mr. DURBIN):

S. 604. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President. I am honored to join my colleague from Wyoming, Senator JOHN BARRASSO, in introducing a bill essential to enhancing the delivery of mental health services to our senior citizens, The Seniors Mental Health Access Improvement Act of 2011. We are pleased to be joined by Sens. SHERROD BROWN, INOUYE, TIM JOHNSON, BEGICH, and DURBIN in this effort.

Currently, there are limitations on the types of mental health practitioners who may be reimbursed for services in the Medicare program. Our legislation permits mental health counselors and marriage and family therapists to bill Medicare for their services, and it pays them at the rate of clinical social workers. With this legislation, seniors will have more opportunities as part of their Medicare benefit to access professional mental health counseling assistance.

Throughout the United States there are approximately 77 million older adults living in 3,000 so-called ''mental health profession shortage areas.'' Moreover, 50 percent of rural counties have no practicing psychiatrists or psychologists. Seniors living in these areas will be the primary beneficiaries of our efforts.

Mental health counselors and marriage and family therapists are often the only mental health providers in some communities, and yet presently they are not recognized within the Medicare program appropriately. These therapists have equivalent or greater training, education and practice rights as some existing provider groups that can bill for their services through Medicare.

Additionally, other government agencies, including The National Health Service Corp, the Veteran's Administration and TRICARE, already

recognize these mental health professionals and reimburse for their services. We need to utilize the skills of these providers and ensure that seniors have access to them. These professionals play a critical role in the delivery of our nation's mental health care.

In Oregon, the passage of this legislation will focus the talents of over 2,000 additional, qualified providers on the mental health issues of one of our most vulnerable populations. This represents a common sense approach to relieving a persistent and chronic healthcare workforce shortage.

I would also like to take a moment to recognize the contributions of one of our former colleagues in the Senate who led our efforts in the last Congress to pass similar legislation. Sen. Blanche Lincoln was a strong advocate for health policies that benefited seniors and those in rural areas. This bill is a testament to her decade long commitment to these issues and her unflagging support for those in need of mental health care in underserved areas.

Finally, I commend our mental health professionals nationwide, for their dedicated work and efforts, and I encourage passage of this legislation.

Mr. BARRASSO. Mr. President, I am honored to join my colleague from Oregon, Senator RON WYDEN, to introduce the Seniors Mental Health Access Improvement Act. For over a decade, Senator WYDEN has been a strong voice advocating for rural specific health care policies here in the United States Senate. I am proud to join him as we fight to ensure Medicare patients living in rural and frontier states have access to and choice of mental health professionals.

The Seniors Mental Health Access Improvement Act would permit Marriage and Family Therapists and Licensed Professional Counselors to bill Medicare directly for services. These providers would receive 75 percent of the psychiatrist and psychologist rate for the same services. I want my colleagues to know that this legislation does not expand covered Medicare services. It would simply give Medicare patients living in isolated, frontier States like Wyoming more mental health provider choices.

Today, approximately 75 percent of the over 3,000 nationally designated Mental Health Professional Shortage Areas are located in rural areas. Over half of all rural counties have no mental health services of any kind. Frontier counties have even more drastic numbers as 95 percent do not have a psychiatrist, 68 percent do not have a psychologist and 78 percent do not have a social worker.

Virtually all of Wyoming is designated a mental health professional shortage area. Wyoming has approximately 215 psychologists, 37 psychiatrists and 418 clinical social workers for a total of 670 Medicare eligible mental health providers. Enactment of the Seniors Mental Health Access Improvement Act would almost double the number of mental health providers available to treat seniors in my State—with the addition of 659 licensed professional counselors and 83 marriage and family therapists currently licensed to practice.

Medicare patients in Wyoming are often forced to travel long distances to see mental health providers currently recognized by the Medicare program. To make matters worse, rural and frontier communities have extreme difficulty recruiting and retaining providers, especially mental health providers. In many small towns, a Licensed Professional Counselor or a Marriage and Family Therapist is the only mental health care provider in the area. Medicare law—as it exists today—only compounds the situation because psychiatrists, clinical psychologists, clinical social workers, and clinical nurse specialists are the only providers able to bill Medicare for mental health services.

It is time the Medicare program recognized the qualifications of Licensed Professional Counselors and Marriage and Family Therapists. They play a critical role in the Nation's mental health care delivery system. These providers go through rigorous training, similar to the curriculum of a masters level social worker, and yet are excluded from the Medicare program.

I believe this bill is critically important to the health and well-being of our nation's seniors, and I strongly urge all my colleagues to become a cosponsor.

By Mr. GRASSLEY (for himself, Mrs. FEINSTEIN, Mr. HATCH, Ms. KLOBUCHAR, Mr. MANCHIN, Mrs. HAGAN, and Mr. WHITEHOUSE):

S. 605. A bill to amend the Controlled Substances Act to place synthetic drugs in Schedule I; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, all too often we learn of new and emerging drug threats to our communities that often have a huge negative impact on our youth. When these drug threats emerge it is crucial that we unite to halt the spread of the problem before it consumes families and communities.

Today we are confronted with new and very dangerous substances packaged as innocent products. Specifically, more and more kids are able to go online or to the nearest novelty store at the local shopping mall and purchase incense laced with compounds that seriously alter the mind. These products are commonly referred to as ''K2''or ''Spice'' among other names. Although these products contain a label that states that the product is not for human consumption, kids and drug users are smoking these products in order to obtain a ''legal high.''

It is believed that these products emerged on the scene beginning about 4 or 5 years ago and their use spread quickly throughout Europe. According to a study conducted by the European Centre for Drugs and Drug Addiction, most of the chemical compounds found in ''K2'' are not reported on the label. This study concluded that the compounds are not listed because there is a deliberate marketing strategy to represent this product as a natural substance.

However, these products are anything but natural. Most of the chemical compounds the Drug Enforcement Administration has identified within K2 products were invented by Dr. John W. Huffman of Clemson University in the 1990's for research purposes. These compounds were never intended to be used for any other purpose than research. Dr. Huffman developed these compounds to further understand endocannabinoid receptors in the body. They were only tested on mice and never tested on humans. No long term effects of their use are currently known.

As more and more people are experimenting with K2 it is becoming completely evident that their use is anything but safe. The American Association of Poison Control Centers reports significant increases in the amount of calls concerning these products. There were only 13 calls related to K2 use reported for 2009, but there were over 1,000 calls concerning K2 use in 2010. Common effects reported by emergency room doctors include: increased agitation, elevated heart rate and blood pressure, hallucinations, and seizures. Effects from the highs from these synthetic drugs are reported to last as few as several hours and as long as one week. Dr. Huffman stated that since so little research has been conducted on these compounds that using any one of them would be like, ''playing Russian roulette.''

In fact, Dr. Anthony Scalzo, a professor of emergency medicine at St. Louis University, reports that the compounds are significantly more potent than the active ingredients of marijuana. Dr. Scalzo states that what is troubling is the fact that the amount of compounds varies from product to product so no one can be sure exactly the amount of the drug they are putting in their body. Dr. Scalzo states that this can lead to significant problems such as altering of mind, addiction, injury, and even death.

According to various news articles across the nation, K2 can cause serious erratic and criminal behavior. In Mooresville, Indiana police arrested a group of teens after they were connected to a string of burglaries while high on K2. Another case in Honolulu, Hawaii shows police arrested a 23-year-old man after he tried to throw his girlfriend off an 11th floor balcony after smoking K2. A 14-year-old boy in Missouri nearly threw himself out of a 5th story window after smoking K2. Once the teen got over his high he denied having any suicidal intentions. Doctors believe he was hallucinating at the time of this incident.

K2 use is also causing serious health problems and increased visits to the

emergency room. A Louisiana teen said he became very ill after trying K2. The teen said he experienced numbness starting at his feet and traveling to his head. He was nauseous, light-headed and was having hallucinations. This teen stated that K2 is being passed around at school and that many people were trying it without fear, assuming it was safe because it was legal. A 21-year-old man, from Greenfield, Indiana repeatedly stabbed himself in the neck while hallucinating on K2.

Regrettably, K2 use also has deadly consequences. On June 6, 2010, David Rozga, a recent 18-year-old Indianola, Iowa high school graduate smoked a package of K2 along with his friends before going to a concert thinking it was harmless fun. According to his parents, David and his friends purchased this product at a mall in Des Moines after hearing about it from some college students who were home for the summer. After smoking this product, David's friends reported that David became highly agitated and terrified. When he got home, he found a family shotgun and committed suicide approximately 90 minutes after smoking K2. The Indianola police believe David was under the influence of K2 at the time of his death. David's parents and many in the community who knew David were completely shocked and saddened by this event. David was looking forward to starting his college career at the University of Northern Iowa in the fall. As a result, the Iowa Pharmacy Board placed an emergency ban on K2 products in Iowa beginning on July 21, 2010. A permanent ban is currently being considered in the legislature.

David's tragic death may have been the first case in the United States of synthetic drug use leading to someone's death, but sadly it was only the beginning. A month after David's tragic death, police report that a 28-year-old Middletown, Indiana mother of two passed away after smoking a lethal dose of K2. This woman's godson reported that anyone could get K2 easily because it can be sold to anybody at any price at any time. This last August, a recent 19-year-old Lake Highlands High School graduate in Dallas, TX, passed away after smoking K2. The medical examiner confirmed that this boy had K2 in his system at the time of his death. Even more disturbing is the involvement of synthetic drugs in a recent school shooting that occurred in Omaha, Nebraska in January of 2011. Robert Butler, Jr. shot and killed himself and Dr. Vicki Kaspar, the assistant principal at the school. Doctors have confirmed that Robert Butler had K2 in his system at the time of the shooting.

These incidents throughout the country give me great concern that synthetic drug use, especially K2 use, is a dangerous and growing problem. Many states, including Iowa, have acted to ban the sale and possession of the chemical compounds found in these products. Many more states, counties and communities throughout the country have proposed bans or are in the process of banning these products. The DEA has administratively scheduled five chemicals found in K2. However, this ban will only last for one year with an option to extend the ban for an additional 6 months. There is no guarantee that the chemicals will be permanently banned in the timeframe allowed.

It is time to stop the use and trafficking of these products before more tragedies occur. This is why I am pleased that my colleague, Senator FEINSTEIN, is joining me in introducing the David Mitchell Rozga Act. Although David Rozga is one victim of many from these terrible drugs, his tragic death highlights the damaging nature of these substances and the great loss that they incur to our society. This legislation will take the chemicals the DEA has identified within K2 products and places them as Schedule I narcotics with other deadly drugs like meth and cocaine. The legislation will also amend the Controlled Substances Act, doubling the timeframe the Drug Enforcement Administration and the Department of Health and Human Services have to emergency schedule substances from 18 months to 36 months. This will allow for dangerous substances to be quickly removed from the market while being studied for permanent scheduling. I am grateful that the Community Anti-Drug Coalitions of America, a group that represents more than 5,000 local community anti-drug coalitions throughout the nation, is endorsing this legislation to ban these dangerous synthetic drugs from our society.

It is clear that the sale and use of synthetic drugs is a growing problem. People believe, like David Rozga believed, these products are safe because they can buy them online or at the nearest shopping mall. We need to do a better job at educating the public and our communities about the dangers these products present and nip this problem in the bud before it grows and leads to more tragedy. I urge my colleagues to join us in supporting this important legislation.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 607. A bill to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land and for other purposes; to the Committee on Energy and Natural Recources.

Mr. WYDEN. Mr. President, today I rise to introduce Wilderness legislation to protect two of Oregon's natural treasures. This bill is a reintroduction of legislation that I introduced in the last Congress and I am pleased that Senator MERKLEY is again joining me in cosponsoring this legislation. Significant progress was made in the last Congress in moving the bill towards passage, but unfortunately it failed to get passed before the Congress ended. The legislation I introduce today reflects the work I undertook with the Energy and Natural Resources Committee and the Bureau of Land Management to prepare the bill for markup in the Energy and Natural Resources Committee.

The Cathedral Rock and Horse Heaven Wilderness Act of 2011 will do more than simply protect these areas. It will also help Oregon's economy, because visitors from all over the world come to my State to experience first-hand the unique scenic beauty of place like the lands preserved by this bill.

This legislation will consolidate what is currently a splintered ownership of land in this area and protect 17,340 acres of new Wilderness along the Lower John Day River. This is even more Wilderness than originally in the legislation I introduced in the last Congress. Thanks to an additional land exchange it was possible to add additional lands to the Wilderness proposal. The fractured land ownership in this area makes it difficult for visitors to fully appreciate these areas when they hike, fish or hunt there because of the scattered and misunderstood lines of private and public ownership. This bill will solve that problem and make these lands more inviting to visitors while giving the landowners more contiguous property to call home.

The area in question is stunning. The Cathedral Rock and Horse Heaven Wilderness proposals encompass dramatic basalt cliffs and rolling hills of juniper, sagebrush and native grasses. These new areas build on the desert Spring Basin Wilderness that was established last Congress as a result of legislation I introduced, and are located directly across the John Day River from Spring Basin.

With 500 miles of undammed waters, the John Day River is the second-longest free-flowing river in the continental United States and is a place that is cherished by Oregonians. The Lower John Day Wild and Scenic River offers world-class opportunities for outdoor recreation as well as crucial wildlife habitat for elk, mule deer, bighorn sheep and native fish such as salmon and steelhead trout. Through land consolidation between public and private landowners, this bill will allow for better management and easier public access for this important natural treasure. With the current fragmentation of public and private land ownership in the area, river campsites are limited. Many Federal lands among them can't be reached by the hikers, campers and other outdoors recreationists who could most appreciate them. With the equal-value land exchanges included in this bill, public lands would be consolidated into two new Wilderness areas. This would enhance public safety, improve land management, and increase public access and recreational opportunities. This solution will create an incredible, new heritage for public lands recreationists

who are an important factor in keeping Oregon's economy healthy and thriving.

Rafters of the John Day River can attest to the need for more campsites and public access to the Cathedral Rock area. Backcountry hunters will be able to scan the hillsides for elk, deer and game-birds without having to worry about accidentally trespassing on someone's private land. Anglers will be able to access nearly 5 miles of the John Day River that today are only reachable from privately owned lands. Likewise, such a solution ensures that local landowners can manage their lands effectively without running across unwitting trespassers.

One good example of the value of these land swaps is Young Life's Washington Family Ranch. This Ranch is home to a Christian youth camp that welcomes over 20,000 kids to the lower John Day area each year. This bill sets out private and public land boundaries that on the ground and these boundaries create a safer area for campers on the Ranch; this serves the children who visit the area well and ensures the continued viability of the Ranch, which, in turn, provides big economic dividends to the local community.

The Cathedral Rock and Horse Heaven Wilderness proposal is described as ''win-win-win'' by many stakeholders—nearly 5 miles of new river access for the public and protected land for outdoor enthusiasts; better management for private landowners and public agencies; and important habitat protections for sensitive and endangered species. This proposal is an example of the positive solutions that can result when varied, bipartisan interests in a community come together to craft solutions that will work for everyone. All three of the counties involved in this legislation, Wheeler, Wasco and Jefferson, have endorsed this proposal as well as a number of user and recreation groups. I especially want to thank the Oregon Natural Desert Association, Young Life and Forrest Reinhardt, and Matt Smith for their role in developing this collaborative solution that will benefit all Oregonians.

Oregon's wildlands play an increasingly important role in the economic development of our state, especially in traditionally rural areas east of the Cascades. Visitors come from thousands of miles away to hike, fish, raft and hunt in Oregon's desert Wilderness. Beyond tourism, the rich quality of life and the diverse natural amenities that we enjoy as Oregonians are key to attracting new businesses to Oregon. The Cathedral Rock and Horse Heaven Wilderness areas will help make sure that this rural area will enjoy the benefits that permanently connecting these disparate pieces of natural landscape will bring for generations to come.

By Mr. INHOFE:

S. 610. A bill to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. INHOFE. Mr. President, I rise today to bring to the Senate's attention H.R. 473. This is the HALE Scouts Act, and the House author is Congressman DAN BOREN, D–Okla. I am announcing today introduction of a companion measure in the Senate, and I look forward to working towards its enactment into law in the 112th Congress.

This bill authorizes the U.S. Forest Service to sell, at fair-market value, 140 acres of land in Southeast Oklahoma to an Oklahoma Boy Scouts group, the Indian Nations Council of Boy Scouts, which has a camp site adjacent to this land. This campsite hosts 6,500 campers every year and urgently needs the new expansion.

In the 110th Congress, this same bill passed the House by a vote of 370–2 in the form of H.R. 2675. The bill gained even more support in the 111th Congress passing through the House by a vote of 388–0 as H.R. 310. CBO has written that it has no cost, and the U.S. Forest Service testified before the relevant House subcommittee that it does not oppose the bill. Much work has gone into this bill to get it to this point, including hearings and House floor consideration. Senate passage represents final action necessary for its completion.

By Ms. SNOWE (for herself and Mr. WARNER):

S. 611. A bill to provide greater technical resources to FCC Commissioners; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today, along with Senator WARNER, to reintroduce legislation that provides greater technical resources to the Commissioners of the Federal Communications Commission. Such resources are essential to making sound regulatory decisions and being a more effective technical agency—especially in this era of rapid innovation in the industries under the Commission's jurisdiction.

Specifically, the FCC Technical Expertise Capacity Heightening or ''FCC TECH'' Act would allow Commissioners'' to appoint a staff member—an electrical engineer or computer scientist—to provide in-depth technical consultation, and commission a study by the National Academy of Sciences on the technical policy decision-making process and the availability of technical personnel at FCC. The study would include an examination of the FCC's technical policy decision-making, current technical personnel staffing levels, and agency recruiting and hiring processes of technical staff and engineers, and make specific recommendations to improve these areas.

Over the past several years, I have shared the concerns voiced by the technical community and even some Commissioners themselves about the lack of technical resources and expertise at the FCC. Such concern is warranted. In 1948, the FCC had 720 engineers on staff; today, it has fewer than 270—an astonishing 63 percent reduction—even though the FCC now must face more technical issues concerning the Internet, advanced wireless communications, commercial cable & satellite industries, and broadband. It should be noted that engineering staff currently only accounts for a dismally low 14 percent of the FCC's workforce—in 1948 that figure was more than 50 percent.

A December 2009 report by the Government Accountability Office (GAO–10–79) provides additional evidence of the need for this legislation. The GAO concluded that ''weaknesses in FCC's processes for collecting and using information also raise concerns regarding the transparency and informed nature of FCC's decision-making process.'' Furthermore, the report found the ''FCC faces challenges in ensuring it has the expertise needed to adapt to a changing market place.''

So in a time when citizens are demanding more effective and efficient government and zero government waste, taking such steps as prescribed by this legislation will ensure the FCC is adequately equipped legally and technically to properly craft policy. It should be noted this legislation does not require new staff—it just makes better use of them. In addition, streamlining FCC processes and rulemakings will make sure the Commission keeps pace with the dynamics of the industry it oversees, which is important in order for U.S. companies to continue to be competitive in this global economy.

In a letter I wrote to Chairman Genachowski last year, I highlighted several outstanding spectrum proceedings that I urged the Commission to conclude. The proceedings I mentioned had a common characteristic that concerned me—all of them had been open for three years or longer, and another related proceeding had been pending for well over a decade. This regulatory delay and uncertainty due to the Commission's inaction adversely affects American businesses, which request technical waivers or file petitions to better compete domestically and internationally, and suppresses innovation and the jobs associated with it. We must make sure the Commission is a catalyst to innovation and jobs, not an inhibitor.

Even the general public is aware of the significant technical deficit that exists at the Commission and the importance of increasing its technical aptitude—one of the top public recommendations on the FCC's reform website, reboot.fcc.gov, is to ''require at least one FCC Commissioner to be an engineer.''

This Administration has stressed the importance of innovation being a vital component in our economic recovery, so allowing a shortage of technical

staff to exist at an agency responsible for regulating very technical industries that will be the main drivers for innovation is counterintuitive. The President has also placed a major emphasis on science, technology, engineering, and mathematics, STEM, education in order to enhance our nation's competitiveness and economic wellbeing in the global economy yet, engineers only constitute 14 percent of the FCC's workforce and, it is my understanding, there is only one engineer in a senior management role at the Commission today—the government's technical expert agency.

This legislation enhances technical resources at the FCC so it will be better equipped and more agile to address the ever-changing technical landscape from a regulatory perspective. If it isn't, our nation's technical leadership in this area will continue to erode and it will be even more difficult to lay the proper policy foundation necessary to meet future telecommunications needs. It is also an essential component to execute the FCC's recently released National Broadband Plan, which includes several technically complex initiatives.

Last Congress, several technical organizations expressed support for the legislation—the Institute of Electrical and Electronics Engineers, Society of Broadcast Engineers, Association for Computing Machinery, and the Association of Federal Communications Consulting Engineers. Also, prominent individuals in this field, such as Vint Cerf, and former Senior FCC Technical Officials Dale Hatfield, Dave Farber, and Robert Powers support the legislation.

In the past, Chairman Genachowski has stated ''the country expects the FCC to be an expert agency.'' Being an expert agency starts with having the technical expertise to comprehensively understand and examine the issues that are within its jurisdiction and also acting on those issues in a timely manner. If it doesn't, our nation's technical leadership in telecommunications could continue to erode due to regulatory bottlenecks that are created at the Commission from unresolved proceedings and petitions. Removing the bottlenecks that exist through streamlining processes and removing bureaucracy will reduce government expenses and waste over the long term.

This bill takes steps toward properly addressing glaring technical deficiencies at the Commission, which left unaddressed could continue to hamper American innovation and competitiveness. This is absolutely critical given how rapidly technologies are changing and the implications that regulation could have on the underlying technical catalysts of innovation. That is why I sincerely hope that my colleagues join Senator WARNER and me in supporting this critical legislation.

By Ms. SNOWE (for herself and Mr. MERKLEY):

S. 612. A bill to amend the Energy Policy and Confirmation Act to require the Secretary of Energy to develop and implement a strategic petroleum demand response plan to reduce the consumption of petroleum products by the Federal Government; to the Committee on Energy and Natural Resources.

Ms. SNOWE. Mr. President, I rise to introduce legislation with Senator MERKLEY that will provide the President of the United States with emergency powers to aggressively reduce the Federal Government's demand for energy.

The Strategic Petroleum Demand Response Act will be an additional tool to address rapidly rising energy prices by reducing our country's demand for oil. The political instability in the Middle East reminds us that this region, which holds the largest reserves of oil in the world, has had profound implications on our country's economy by dramatically affecting the price of oil. Although the attention has been on potential supply disruption, our country also consumes nearly 17 million barrels of oil per day and through aggressive measures the Federal Government can lead our country in reducing its energy bill, curtailing its consumption of oil, and reducing the price of oil for consumers.

As we encounter these price spikes, some have called for a release of oil from our country's strategic petroleum reserve. The fact is prior to releasing our country's strategic reserves we must develop policies that prioritize the Federal Government's consumption of these critical oil supplies. The Federal Government can reduce nonemergency travel, reduce congestion on the roads by providing flexible work hours, decrease the use of oil in heating and cooling buildings, and work with local and state governments to cut consumption as well. We must develop a strategic petroleum strategy that reflects the fact that prices are dictated by both supply and demand and the Strategic Petroleum Demand Response Act will address the demand side of the equation.

Since the start of the year the price for West Texas Intermediate has increased by 16 percent and the week of February 28 encountered the second highest net increase in gasoline prices in our country's history. While I strongly believe that we need to develop specific long-term strategies that build on the success of fuel economy standards and reduce our consumption of oil, this legislation will allow the President to take immediate and decisive action to address any energy crisis through both supply and demand.

By Mr. HARKIN (for himself, Ms. MIKULSKI, and Mr. SANDERS):

S. 613. A bill to amend the Individuals with Disabilities Education Act to permit a prevailing party in an action or proceeding brought to enforce the Act to be awarded expert witness fees and certain other expenses; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, ensuring that all students, regardless of background or ability, receive an education that gives them the opportunity to live a successful and fulfilling life has always been a major focus of my career in public service. To achieve this goal, I have fought especially hard for students with disabilities to have access to the general education curriculum and the services and supports they need to succeed, and to safeguard their rights under the Individuals with Disabilities Education Act, IDEA. That is why I am pleased to introduce the IDEA Fairness Restoration Act, which my colleague Rep. VAN HOLLEN will also be introducing in the House today. This critical legislation will remove the financial barrier that families, especially low- and middle-income families, face as they pursue their children's rights to the free, appropriate public education they deserve and are entitled to under the Fourteenth Amendment.

When Congress originally passed IDEA, we recognized the vital importance of parent and school collaboration in special education and required they jointly develop an Individualized Education Plan, IEP, to identify goals to promote the academic achievement of students with disabilities. In general, this partnership has served students well. There are, however, times when schools have not fulfilled their responsibilities to provide an appropriate education. In these cases, IDEA provides parents the right to challenge the schools through mediation and due process. To make their argument, families often need access to expert witnesses who can assess the student's needs and testify about whether the current IEP meets those needs. These expert witnesses are a resource that many families cannot afford, but without access to them, families may be unable to make their case.

When Congress amended IDEA in 1986, it recognized the financial barriers that parents face in pursuing due process to resolve disagreements with their school and specified in the Conference Committee Report that when the court finds in favor of the parents a judge could award attorney's fees, including ''reasonable expenses and fees of expert witnesses and the reasonable costs of any test or evaluation which is found to be necessary for the preparation of the parent or guardian's case.'' For years, parents who prevailed in judicial proceedings were awarded these fees, as Congress intended. But in 2006, the U.S. Supreme Court ruled in Arlington Central School District v. Murphy that courts could no longer award these fees because Congress made its intention explicit in the Conference Report rather than in statute. As a result, many parents are discouraged and even prevented from pursuing meritorious cases to secure the rights of their children. Low- and middle-income families are particularly hard hit.

This IDEA Fairness Restoration Act clarifies Congress' express intent that parents should recover expert witness fees, as they currently can do with attorneys' fees, if they prove that the school system has wrongfully denied their child an appropriate education as defined by IDEA. By including ''reasonable expenses and fees of expert witnesses and the reasonable costs of any test or evaluation which is found to be necessary for the preparation of the parent or guardian's case'' and reestablishing the right of judges to award such fees to parents who prevail in IDEA cases, as Congress intended, this legislation will level the playing field and restore the ability of low- and middle-income parents to be effective advocates for their children's educational needs.

This legislation is an essential step for protecting the rights of students with disabilities and ensuring that all families, regardless of their financial resources, can advocate for and protect their children's rights through due process.

By Ms. COLLINS (for herself and Mr. LIEBERMAN):

S. 614. A bill to require the Attorney General to consult with appropriate officials within the executive branch prior to making the decision to try an unprivileged enemy belligerent in Federal Court; to the Committee on the Judiciary.

Ms. COLLINS. Mr. President, I rise today to introduce with Senator LIEBERMAN the Securing Terrorist Intelligence Act. Last Congress, the Senate Homeland Security and Governmental Affairs Committee heard testimony from the three top U.S. intelligence officials about the errors the Federal Government made in handling the unsuccessful 2009 Christmas Day terrorist plot. We dodged a bullet that day when Umar Farouk Abdulmutallab, a Nigerian-born terrorist, failed to detonate a bomb on Northwest flight 253 in the skies above Detroit.

While critical information was not shared prior to Abdulmatallab boarding that plane, a significant error also was committed by U.S. officials after that foreign terrorist had already been detained in Detroit, an error that may well have prevented the collection of valuable intelligence about future terrorist threats to our country. The error became clear during my questioning of the top intelligence officials at the committee's hearing held in response to this failed attack.

I was stunned to learn that the decision had been made to place this captured terrorist into the U.S. civilian criminal court system after just 50 minutes of interrogation—and without any consultation with the Director of National Intelligence, the Director of the National Counterterrorism Center, or the Secretary Homeland Security. That decision was critical. The determination to charge Abdulmutallab in civilian court likely foreclosed the collection of additional intelligence information. We know that the interrogation of captured terrorists can provide critical intelligence and save American lives, but our civil justice system, as opposed to the military detention and tribunal system established by Congress and the President, encourages terrorists to ''lawyer up'' and to stop answering questions.

Indeed, that was what happened in the case of Abdulmutallab. He had provided some valuable information to law enforcement officials immediately after his capture, and we likely would have obtained more information if we had treated this foreign terrorist as an enemy belligerent and had placed him in the military tribunal system. Unfortunately, once he was read his Miranda rights and given a lawyer at our expense, he was advised to cease answering questions, and that is exactly what he did.

That poor decision-making may well have prevented us from finding out more of the plot's organizers, planners, financiers, logistics support, and other key players. In addition, we may have found out more about future plots originating in Yemen targeting American citizens—possibly even the thwarted October 2010 printer cartridge attacks. Good intelligence is critical to our ability to stop terrorist plots before they are executed. We know that lawful interrogations of terrorist suspects can provide valuable intelligence. Deciding to charge Abdulmutallab in the civilian criminal system without even consulting three of our nation's top intelligence officials simply defies common sense.

It has been over a year since the arrest, and we are all very thankful that there has not been a successful terrorist attack in America since then. We all know, however, the threat persists. That is why we must redouble our efforts and ensure that when the next terrorist is captured, proper action is taken so we do not miss another opportunity to gain valuable intelligence that could save American lives.

To correct this failure and to ensure that our nation's senior intelligence officials are consulted before making the decision to try future foreign terrorists in civilian court, I am reintroducing a bill that would require this crucial consultation. I am very pleased to be joined by the Chairman of the Homeland Security Committee, Senator LIEBERMAN, who has been such a leader in this area.

Specifically, our bill would require the Attorney General to consult with the Director of National Intelligence, the Director of the National Counterterrorism Center, the Secretary of Homeland Security, and the Secretary of Defense before initiating a custodial interrogation of foreign terrorists or filing civilian criminal charges against them. These officials are in the best position to know what other threats the United States is facing from terrorists and to assess the need to gather more intelligence on those threats.

If there is a disagreement among the Attorney General and these intelligence officials regarding the appropriate approach to the detention and interrogation of foreign terrorists, then the bill would require the President to resolve the disagreement. Only the President would be permitted to direct the initiation of civilian law enforcement actions—balancing his constitutional responsibilities as Commander in Chief and as the nation's chief law enforcement officer.

To be clear, this legislation would not deprive the President of any investigative or prosecutorial tool. It would not preclude a decision to charge a foreign terrorist in our military tribunal system or in our civilian criminal justice system. It would simply require that the Attorney General coordinate and consult with our top intelligence officials before making a decision that could foreclose the collection of critical additional intelligence information.

This consultation requirement is not unprecedented. Section 811 of the Counterintelligence and Security Enhancements Act of 1994 requires the Director of the FBI and the head of a department or agency with a potential spy in its ranks to consult and periodically reassess any decision to leave the suspected spy in place so that additional intelligence can be gathered on his activities.

As the Senate Intelligence Committee noted in its report on the legislation that added the espionage consultation requirement:

> While prosecutorial discretion ultimately rests with the Department of Justice officials, it stands to reason that in cases designed to protect our national security—such as espionage and terrorism cases—prosecutors should ensure that they do not make decisions that, in fact, end up harming the national security.

The committee got it right. The committee went on to explain:

> [T]he determination of whether to leave a subject in place should be retained by the host agency.

The history of the espionage consultation requirement is eerily reminiscent of the lack of consultation that occurred in the case of Abdulmutallab. In espionage cases, Congress has already recognized that when valuable intelligence is at stake, our national security should trump decisions based solely on prosecutorial equities. This requirement must be extended to the most significant security threat facing our Nation—terrorism.

I encourage the Senate to act quickly on this important legislation. The changes proposed are modest. They make common sense. But the consequences of a failure to act could be a matter of life and death.

By Mr. REID (for himself and Mr. ENSIGN):

S. 617. A bill to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and

to take land into trust for the Te-moak Tribe of Western Shoshone Indians of Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to reintroduce the Elko Motocross and Tribal Conveyance Act of 2011. This bill would transfer two small parcels of public land to Elko County and the Elko Indian Colony and provide an important economic development opportunity to the people of Elko County.

In my home State of Nevada, the Federal Government manages more than 87 percent of the land—more than 61 million acres in all. As a result, our communities come to their congressional delegation for help remedying problems that are often handled on the state or local level in other parts of the country.

The first part of our legislation would convey approximately 300 acres of public land managed by the Bureau of Land Management's, BLM, Elko Field Office to Elko County. This proposal is strongly supported by the local community as a way to provide for a variety of motorized recreational opportunities for both residents and visitors of Elko. Off-highway vehicles are a popular form of recreation throughout Nevada and our citizens enthusiastically support safe and sustainable motorized outdoor activities.

This legislation will help Elko County develop a centralized, multipurpose recreational facility on the western edge of the City of Elko with easy access to Interstate 80. The new park will draw OHV enthusiasts from across northeastern Nevada and beyond, providing a much needed economic boost to local businesses. Beyond the convenient location, economic benefits, and potential for diverse recreational opportunities at the proposed Elko Motocross Park site, this new facility will serve as a place for people to learn responsible use and enjoyment of these recreational vehicles.

Title two of our bill would direct the Secretary of the Interior to expand the Elko Indian Colony by taking approximately 373 acres of land into trust for the Elko Band to address their compelling need for additional land. The Elko Band is one of four constituent bands that make up the Te-Moak Tribe of Western Shoshone Indians of Nevada. Each Band has a separate reservation or colony in northeastern Nevada. While the Elko Band's population has steadily grown, their land base has remained the same for over 75 years.

The Elko Indian Colony has always been a thriving part of the greater Elko community. When Elko was established as a railroad town in 1868, Shoshone families lived nearby, working on the railroad as well as in the nearby mines and on local ranches. Despite government efforts to relocate the Elko Band in the late nineteenth century, these families persevered and remained in the Elko area. In 1918, President Woodrow Wilson created the Elko Indian Colony when he reserved 160 acres for the Shoshone Indians near Elko by executive order.

While more than half of the Te-Moak's Tribe's enrolled members continue to live and work in Elko, it is the unfortunate truth that over 350 tribal members must live outside of the colony. The Elko Colony has one of the smallest land bases of the four constituent bands and it lacks adequate land for housing and community development. Our legislation would address this need by making land available for residential development and for traditional uses, such as ceremonial gatherings, hunting and plant collecting.

It is always encouraging when communities come together to support projects like these and we are grateful for their collective work on this effort. This bill is vital to the growing communities we serve. We look forward to working with Chairman BINGAMAN, Ranking Member MURKOWSKI and the other distinguished members of the Senate Energy and Natural Resources Committee to move this bill through their process.

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. 617

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Elko Motocross and Tribal Conveyance Act".

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

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—ELKO MOTOCROSS LAND CONVEYANCE

Sec. 101. Definitions.
Sec. 102. Conveyance of land to county.

TITLE II—ELKO INDIAN COLONY EXPANSION

Sec. 201. Definitions.
Sec. 202. Land to be held in trust for the Te-moak Tribe of Western Shoshone Indians of Nevada.
Sec. 203. Authorization of appropriations.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Interior, acting through the Bureau of Land Management.

TITLE I—ELKO MOTOCROSS LAND CONVEYANCE

SEC. 101. DEFINITIONS.

In this title:

(1) CITY.—The term "city" means the city of Elko, Nevada.

(2) COUNTY.—The term "county" means the county of Elko, Nevada.

(3) MAP.—The term "map" means the map entitled "Elko Motocross Park" and dated January 9, 2010.

SEC. 102. CONVEYANCE OF LAND TO COUNTY.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights and the provisions of this section, the Secretary shall convey to the county, without consideration, all right, title, and interest of the United States in and to the land described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 275 acres of land managed by the Bureau of Land Management, Elko District, Nevada, as generally depicted on the map as "Elko Motocross Park".

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize the legal description of the parcel to be conveyed under this section.

(2) MINOR ERRORS.—The Secretary may correct any minor error in—

(A) the map; or

(B) the legal description.

(3) AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USE OF CONVEYED LAND.—The land conveyed under this section shall be used only as a motocross, bicycle, off-highway vehicle, or stock car racing area, or for any other public purpose consistent with uses allowed under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act"), (43 U.S.C. 869 et seq.).

(e) ADMINISTRATIVE COSTS.—The Secretary shall require the county to pay all survey costs and other administrative costs necessary for the preparation and completion of any patents for, and transfers of title to, the land described in subsection (b).

(f) REVERSION.—If the land conveyed under this section ceases to be used for a public purpose in accordance with subsection (d), the land shall, at the discretion of the Secretary, revert to the United States.

TITLE II—ELKO INDIAN COLONY EXPANSION

SEC. 201. DEFINITIONS.

In this title:

(1) MAP.—The term "map" means the map entitled "Te-moak Tribal Land Expansion", dated September 30, 2008, and on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(2) TRIBE.—The term "Tribe" means the Te-moak Tribe of Western Shoshone Indians of Nevada, which is a federally recognized Indian tribe.

SEC. 202. LAND TO BE HELD IN TRUST FOR THE TE-MOAK TRIBE OF WESTERN SHOSHONE INDIANS OF NEVADA.

(a) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in subsection (b)—

(1) shall be held in trust by the United States for the benefit and use of the Tribe; and

(2) shall be part of the reservation of the Tribe.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 373 acres of land administered by the Bureau of Land Management, as generally depicted on the map as "Lands to be Held in Trust".

(c) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under subsection (a).

(d) CONDITIONS.—

(1) GAMING.—Land taken into trust under subsection (a) shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

(2) USE OF TRUST LAND.—

(A) IN GENERAL.—The Tribe shall use the land taken into trust under subsection (a) only for—

(i) traditional and customary uses;

(ii) stewardship conservation for the benefit of the Tribe; or

(iii) residential or recreational development.

(B) OTHER USES.—If the Tribe uses any portion of the land taken into trust under subsection (a) for a purpose other than a purpose described in subparagraph (A), the Tribe shall pay to the Secretary an amount that is equal to the fair market value of the portion of the land, as determined by an appraisal.

(C) USE OF FUNDS.—Any amounts received by the Secretary under subparagraph (B) shall be—

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(3) THINNING; LANDSCAPE RESTORATION.—With respect to the land taken into trust under subsection (a), the Secretary, in consultation and coordination with the Tribe, may carry out any fuels reduction and other landscape restoration activities on the land that is beneficial to the Tribe and the Bureau of Land Management.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

By Mr. UDALL of New Mexico:

S. 619. A bill to assist in the coordination among science, technology, engineering, and mathematics efforts in the States, to strengthen the capacity of elementary schools, middle schools, and secondary schools to prepare students in science, technology, engineering, and mathematics, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. UDALL of New Mexico. Mr. President, who will develop a computer small enough to fit into our eyeglasses? Who will build the first fully-automated, completely sustainable house or hospital? Which country will successfully test time travel?

I hope that it will be the United States, but I am not confident. When we compare the science, technology, engineering and math, or STEM, success of students globally, we are not in the lead.

The President, Congress and our business community all agree that we must do better in order to compete and excel in STEM fields globally. If we are going to remain competitive, we must develop and retain high-quality math and science teachers. We must provide those teachers with strong professional development so they can develop higher-order thinking in their students. We must encourage higher education leaders to strengthen K–8 teacher education programs to provide a deeper understanding of the content knowledge necessary to teach math and science. We must engage students earlier about possible careers in STEM fields.

Our economic growth and our national security depend on a workforce skilled in STEM fields. The demand for scientists and engineers is expected to increase at four times the rate of other occupations. But our students just aren't performing well enough in math and science, and too few of them are pursuing careers in these technical fields.

The biggest problems we face as a global society—including problems with food and water supply, safe housing, economic prosperity and energy efficiency—require excellence in STEM fields. But students are entering our high schools without a strong foundation in STEM. And colleges are not sufficiently preparing a diverse group of STEM graduates to excel in graduate school and STEM careers.

According to the National Center for Education Statistics, about one-third of fourth graders and one-fifth of eighth graders cannot perform basic math computations. And U.S. high school seniors recently tested below the international average for 21 countries in mathematics and science. For example, only 34 percent of fourth graders, 30 percent of eighth graders, and 21 percent of 12th graders test ''proficient'' in science on the national assessment of educational progress, or NAEP. We must invest in our teachers, students and leaders to surpass students in the major European and Asian countries that we currently lag behind.

That is why today I am introducing the STEM Act, or STEM Support for Teachers in Education and Mentoring Act, will help us accomplish this goal.

The STEM Act would identify best teaching practices. It would strengthen networks of teachers, colleges and businesses for STEM collaboration. It would create meaningful opportunities for teacher training and mentoring. The STEM Act also would establish a planning grant program for states to identify STEM skills needed by the workforce, and develop effective State STEM networks for communication and collaboration among businesses, schools teachers and administrators, institutions of higher education, and nonprofit organizations.

Middle school is an important time in a student's career to be inspired by STEM possibilities. Our middle and high school teachers want more professional development to spark this interest. To give teachers and schools the tools they need to encourage and prepare students for STEM careers, the STEM Act would create training programs using best practice models of STEM master teachers, and provide summer institutes for current teachers and administrators to strengthen teacher effectiveness.

There are programs in my home state of New Mexico that are piloting some of these initiatives. These efforts demonstrate how to increase teacher effectiveness to help students learn STEM subjects, and create opportunities for students to be inspired to pursue a STEM field.

The Institute for Math and Science Education, IMSE, and the STEM Outreach Center at New Mexico State University help coordinate Pre K–20 STEM education efforts across the state and region. Faculty and staff in the College of Education created a network of mathematicians, scientists, educational researchers, and business and community leaders to facilitate research and outreach grants.

MC^2—Mathematically Connected Communities is building a statewide learning community of mathematics educators, mathematicians, and public school leaders. MC^2 offers summer mathematics academies to provide teachers with in-depth study of mathematics. It provides continuous professional development during the school year, helps create school district leadership teams, and develops web-based math resources. There is a similar program for science, called Scientifically Connected Communities, SC^2.

The Southern New Mexico Science, Engineering, Math and Aerospace Academy, SNM SEMAA, is a NASA-sponsored, after-school program for K–12 that helps students who are traditionally under-represented in the Science, Engineering, Math, Aerospace, and Technology, SEMAT, fields. SEMAA engages students and their parents in inquiry-based learning and research through innovative, hands-on experience with new technologies.

The Chemical Olympics organizes competitions in chemistry experimentation to increase interest in chemistry and the other sciences among secondary school students.

NASA Summer of Innovation is a collaboration between the New Mexico Space Grant Consortium and STEM Outreach Center to prepare educators from across my state to coordinate a month-long summer camp in their hometowns that are designed to introduce students to inquiry-based science.

Innovate-Educate encourages states to develop statewide networks that help create relationships and programs to advance STEM policies and best practices, aligned with industry needs.

As a Nation, we cannot afford to lag behind other countries in preparing our students to succeed in science, technology, engineering and math. I hope my colleagues will join me in supporting these STEM initiatives, and preparing our teachers and students to take us into the future.

By Mr. KOHL:

S. 623. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with Senator GRAHAM to introduce the Sunshine in Litigation Act of 2011, a bill that will curb the ongoing abuse of secrecy orders in Federal courts. The result of this abuse, which often comes in the form of sealed settlement agreements, is to keep important health and safety information hidden from the public. As we recognize Sunshine Week, this bipartisan, commonsense measure is an important step to improving transparency in our

courthouses by requiring judges to consider public health and safety before permitting secrecy agreements.

This problem of court secrecy has been occurring for decades, and most often arises in product liability cases. Typically, an individual brings a cause of action against a manufacturer for an injury or death that has resulted from a defect in one of its products. The injured party often faces a large corporation that can spend a virtually unlimited amount of money defending the lawsuit, prolonging the time it takes to reach resolution. Facing a formidable opponent and mounting medical bills, a plaintiff often has no choice but to settle the litigation. In exchange for the award he or she was seeking, the victim is forced to agree to a provision that prohibits him or her from revealing information disclosed during the litigation.

Plaintiffs get a respectable award, and the defendant is able to keep damaging information from getting out. But the American public incurs the loss because they remain unaware of critical public health and safety information that could potentially save lives.

This concern about excessive secrecy is warranted by the long history of tobacco companies, automobile manufacturers, pharmaceutical companies, medical device manufacturers, and others settling with victims and using the legal system to hide information which, if it became public, could protect the American people from future health and safety harms. Surely, there are appropriate uses for such orders, like protecting trade secrets and other truly confidential company information, as well as personal identifying and classified information. This legislation makes sure such information is protected. But, protective orders are certainly not supposed to be used for the sole purpose of hiding damaging information from the public, to protect a company's reputation or profit margin.

One of the most famous cases of abuse of secrecy orders involved Bridgestone/Firestone tires. From 1992 to 2000, tread separations of various Bridgestone and Firestone tires caused accidents across the country, many resulting in serious injuries and even fatalities. Instead of owning up to their mistakes and acting responsibly, Bridgestone/Firestone quietly settled dozens of lawsuits, most of which included secrecy agreements. It wasn't until 1999, when a Houston public television station broke the story, that the company acknowledged its wrongdoing and recalled 6.5 million tires. By then, it was too late. More than 250 people had died and more than 800 were injured as a result of the defective tires.

If the story ended there, and the Bridgestone/Firestone cases were just an aberration, one might argue that there is no urgent need for legislation. But, unfortunately, the list of abuses goes on. There is the case of General Motors. Although an internal memo demonstrated that GM was aware of the risk of fire deaths from crashes of pickup trucks with ''side saddle'' fuel tanks, an estimated 750 people were killed in fires involving trucks with these fuel tanks. When victims sued, GM disclosed documents only under protective orders, and settled these cases on the condition that the information in these documents remained secret. This type of fuel tank was installed for 15 years before being discontinued.

More recently, the world's largest automaker, Toyota, has faced a barrage of litigation relating to its recall of over 8 million cars due to sudden unintended acceleration problems, causing more than eighty deaths. After years of lawsuits, Congressional oversight hearings, and Toyota's efforts to keep settlements and product information secret, a California Federal judge finally made public thousands of previously sealed documents, noting that ''the business of this litigation should be in the public domain.'' Had a judge been required to weigh the public's interest in health and safety, as this legislation would require, perhaps we would have known more about the risks sooner and some of those lives could have been saved. Until we put the public interest on par with the interests of private litigants, public health and safety will remain at risk.

This very issue is currently before a Federal judge in Orlando, FL. There, the court is faced with deciding whether AstraZeneca can keep under seal clinical studies about the harmful side effects of an antipsychotic drug, Seroquel. Plaintiffs' lawyers and Bloomberg News sued to force AstraZeneca to make public documents discovered in dismissed lawsuits. In 2009, the court unsealed some of the documents at question, but denied requests to release AstraZeneca's submissions to foreign regulators and sales representatives' notes on doctors' meetings. Despite a recent $68.5 million settlement, continued efforts to unseal crucial documents proved unsuccessful. This is exactly the sort of case where we need judges to consider public health and safety when deciding whether to allow a secrecy order.

We are mindful of the risks to public health and safety that court secrecy orders can pose in the wake of last year's horrific BP oil spill in the Gulf of Mexico. As the parties continue to fight over crucial documents, injured parties continue to accept secret settlements. We can only hope that information vital to public health and safety, which could protect against the next disaster, is not being shielded from us as well.

The examples go on and on. At a 2007 hearing before the Senate Judiciary Committee Subcommittee on Antitrust, Competition Policy and Consumer Rights, Johnny Bradley Jr. described his tragic personal story that demonstrates the implications of court endorsed secrecy. In 2002, Mr. Bradley's wife was killed in a rollover accident allegedly caused by tread separation in his Cooper tires. While litigating the case, his attorney uncovered documented evidence of Cooper tire design defects. Through aggressive litigation of protective orders and confidential settlements in cases prior to the Bradleys' accident, Cooper had managed to keep the design defect documents confidential. Prior to the end of Mr. Bradley's trial, Cooper Tires settled with him on the condition that almost all litigation documents would be kept confidential under a broad protective order. With no access to documented evidence of design defects, consumers continue to remain in the dark about this life-threatening defect.

In 2005, the drug company Eli Lilly settled 8,000 cases related to harmful side effects of its drug Zyprexa. All of those settlements required plaintiffs to agree ''not to communicate, publish or cause to be published . . . any statement . . . concerning the specific events, facts or circumstances giving rise to [their] claims.'' In those cases, the plaintiffs uncovered documents which showed that, through its own research, Lilly knew about the harmful side effects as early as 1999. While the plaintiffs kept quiet, Lilly continued to sell Zyprexa and generated $4.2 billion in sales in 2005. More than a year later, information about the case was leaked to the New York Times and another 18,000 cases settled. Had the first settlement not included a secrecy agreement, consumers would have been able to make informed choices and avoid the harmful side effects, including enormous weight gain, dangerously elevated blood sugar levels, and diabetes.

There are no records kept of the number of confidentiality orders accepted by State or Federal courts. However, anecdotal evidence suggests that court secrecy and confidential settlements are prevalent. Beyond Bridgestone/Firestone, General Motors, Toyota, Seroquel, BP, Cooper Tire, and Zyprexa, secrecy agreements have also had real life consequences by allowing Dalkon Shield, Bjork-Shiley heart valves, and numerous other dangerous products and drugs to remain in the market. And those are only the ones we know about.

While some judges have already begun to move in the right direction by giving serious weight to public health and safety, we still have a long way to go. The Sunshine in Litigation Act is a modest proposal that would require Federal judges to perform a simple balancing test to ensure that in any proposed secrecy order in a case pleading facts relevant to public health and safety, the defendant's interest in secrecy truly outweighs the public interest in information related to public health and safety.

Specifically, prior to making any portion of a case confidential or sealed, a judge would have to determine—by making a particularized finding of

fact—that doing so would not restrict the disclosure of information relevant to public health and safety. Moreover, all courts, both Federal and State, would be prohibited from issuing protective orders that prevent disclosure to relevant regulatory agencies.

This legislation does not prohibit secrecy agreements across the board, and it does not place an undue burden on judges or on our courts. It simply states that where the public interest in disclosure outweighs legitimate interests in secrecy, courts should not shield important health and safety information from the public. Since last Congress, we have made changes to make absolutely clear that this would apply only to those cases with facts relevant to public health and safety, and to ensure that there is no undue burden on judges or our courts. The time to focus some sunshine on public hazards to prevent future harm is now.

I urge my colleagues to support this important legislation.

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

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

S. 623

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 ''Sunshine in Litigation Act of 2011''.

SEC. 2. RESTRICTIONS ON PROTECTIVE ORDERS AND SEALING OF CASES AND SETTLEMENTS.

(a) IN GENERAL.—Chapter 111 of title 28, United States Code, is amended by adding at the end the following:

''§ 1660. Restrictions on protective orders and sealing of cases and settlements

''(a)(1) In any civil action in which the pleadings state facts that are relevant to the protection of public health or safety, a court shall not enter, by stipulation or otherwise, an order otherwise authorized under rule 26(c) of the Federal Rules of Civil Procedure restricting the disclosure of information obtained through discovery, an order approving a settlement agreement that would restrict the disclosure of such information, or an order restricting access to court records unless in connection with such order the court has first made independent findings of fact that—

''(A) such order would not restrict the disclosure of information which is relevant to the protection of public health or safety; or

''(B)(i) the public interest in the disclosure of past, present, or potential health or safety hazards is outweighed by a specific and substantial interest in maintaining the confidentiality of the information or records in question; and

''(ii) the requested order is no broader than necessary to protect the confidentiality interest asserted.

''(2) No order entered as a result of the operation paragraph (1), other than an order approving a settlement agreement, may continue in effect after the entry of final judgment, unless at the time of, or after, such entry the court makes a separate finding of fact that the requirements of paragraph (1) continue to be met.

''(3) The party who is the proponent for the entry of an order, as provided under this section, shall have the burden of proof in obtaining such an order.

''(4) This section shall apply even if an order under paragraph (1) is requested—

''(A) by motion pursuant to rule 26(c) of the Federal Rules of Civil Procedure; or

''(B) by application pursuant to the stipulation of the parties.

''(5)(A) The provisions of this section shall not constitute grounds for the withholding of information in discovery that is otherwise discoverable under rule 26 of the Federal Rules of Civil Procedure.

''(B) A court shall not approve any party's stipulation or request to stipulate to an order that would violate this section.

''(b)(1) In any civil action in which the pleadings state facts that are relevant to the protection of public health or safety, a court shall not approve or enforce any provision of an agreement between or among parties, or approve or enforce an order entered as a result of the operation of subsection (a)(1), to the extent that such provision or such order prohibits or otherwise restricts a party from disclosing any information relevant to such civil action to any Federal or State agency with authority to enforce laws regulating an activity relating to such information.

''(2) Any such information disclosed to a Federal or State agency shall be confidential to the extent provided by law.

''(c)(1) Subject to paragraph (2), a court shall not enforce any provision of a settlement agreement described under subsection (a)(1) between or among parties that prohibits 1 or more parties from—

''(A) disclosing the fact that such settlement was reached or the terms of such settlement, other than the amount of money paid; or

''(B) discussing a civil action, or evidence produced in the civil action, that involves matters relevant to the protection of public health or safety.

''(2) Paragraph (1) applies unless the court has made independent findings of fact that—

''(A) the public interest in the disclosure of past, present, or potential public health or safety hazards is outweighed by a specific and substantial interest in maintaining the confidentiality of the information or records in question; and

''(B) the requested order is no broader than necessary to protect the confidentiality interest asserted.

''(d) When weighing the interest in maintaining confidentiality under this section, there shall be a rebuttable presumption that the interest in protecting personally identifiable information relating to financial, health or other similar information of an individual outweighs the public interest in disclosure.

''(e) Nothing in this section shall be construed to permit, require, or authorize the disclosure of classified information (as defined under section 1 of the Classified Information Procedures Act (18 U.S.C. App.)).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 28, United States Code, is amended by adding after the item relating to section 1659 the following:

''1660. Restrictions on protective orders and sealing of cases and settlements.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall—

(1) take effect 30 days after the date of enactment of this Act; and

(2) apply only to orders entered in civil actions or agreements entered into on or after such date.

By Ms. CANTWELL (for herself, Mr. VITTER, Mr. CARPER, Mr. COCHRAN, Mr. INOUYE, Ms. LANDRIEU, and Mrs. MURRAY):

S. 626. A bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I am pleased to join with my colleagues Senators VITTER, CARPER, COCHRAN, INOUYE, LANDRIEU, and MURRAY to introduce the American Shipping Reinvestment Act of 2011. This legislation will build on work Congress started in 2004 to strengthen the U.S. merchant marine, create needed jobs in U.S. ship building, and stimulate economic activity in our maritime sector.

Since our Nation's founding, the maritime sector has been integral to U.S. national security and economic security. American companies own and operate both U.S. flag ships and a significant number of vessels under international registries. The U.S. flag fleets of these companies generally are built in the United States and are manned with U.S. seafarers. These U.S. flag fleets support not only the shipbuilding industrial base in this country and the pool of qualified seafarers, but they also create the shipping assets that are needed for military sealift in time of war or national emergency.

Most people understand commercial shipping and understand that we maintain a fleet of ships for military purposes. What may not be as well known is that the international ships of some American-owned companies are part of what is called the effective U.S.-controlled fleet, EUSC fleet. The EUSC is the fleet of merchant vessels registered in certain foreign nations that are available for requisition, use, or charter by the U.S. Government in the event of war or national emergency.

For example, U.S. flag commercial vessels and their American crews transported the majority of the cargo, more than 25 million measurement tons of cargo, in support of Operations Enduring Freedom and Iraqi Freedom during the period of 2002–2008.

What people also may not know is that the EUSC fleet has been in decline for the past quarter century, largely because of U.S. tax policy. Following enactment of certain 1986 tax law changes, there was a precipitous decline in American-owned international shipping assets. To remain competitive, many American-owned shipping companies either became foreign companies or simply divested themselves of their foreign assets.

A 2002 study commissioned by the Department of Defense and performed by professors at the Massachusetts Institute of Technology found that the EUSC fleet dropped by 38 percent in terms of numbers of ships and nearly 55 percent in terms of deadweight tonnage between 1986 and 2000. Perhaps more importantly, these declines have been largely experienced in militarily-useful

vessel types. For example, the results of a 2002 DOD study found that if the EUSC fleet continues its present decline, DOD's ability to support U.S. military tanker requirements will diminish over time.

Fortunately, Congress recognized this problem in 2004 and addressed it by enacting the tonnage tax regime as part of the American Jobs Creation Act. Our legislation today builds on that policy by correcting an oversight in the 2004 act that has continued to stymie the ability of U.S. shipbuilding companies to invest in new ships in the United States.

We have very strong economic and national security reasons to support U.S. owned shipowning companies and to maintain a vibrant maritime industry in this country. We also have to continue to support needed changes in our tax code so that we provide operators of U.S. flag vessels in international trade the opportunity to be competitive with their tax-advantaged foreign competitors.

Notwithstanding the significant competitive disadvantages between 1986 and 2004 for American companies operating international ships, there continues to be several U.S. owned shipping companies with foreign operations, and our legislation is directed at helping them sustain and grow their U.S. flag fleets and to maintain their EUSC fleets. This bill will help these companies make needed investment in the U.S. economy, and create jobs in a way that also will enhance national security.

Specifically, the American Shipping Reinvestment Act of 2011 would repeal an outdated section of the Internal Revenue Code and allow U.S. shipping companies with foreign income earned prior to 1986 to reinvest it into the U.S. for the purpose of growing their U.S. flag operations.

Congress first included foreign shipping income in Subpart F in 1975, which meant that all shipping income was taxable at the full U.S. corporate tax rate no matter whether it was invested abroad or in the United States. However, a temporary rule, applicable to foreign shipping income earned from 1975 to 1986, continued to allow for deferral in cases where this income was reinvested in qualifying shipping activities. Section 955 of the Internal Revenue Code provided that this income would be included in gross income, i.e., taxed, immediately under Subpart F in the event of any net decrease in qualified shipping investments.

The American Jobs Creation Act of 2004 restored for shipping income the normal tax rule under which non-Subpart F income of foreign subsidiaries is not taxed by the United States until it is repatriated, generally as a dividend. In restoring the potential for deferral for certain shipping income, Congress in 2004 returned the treatment of shipping income to where it was prior to 1975.

Unfortunately, Congress did not address the rules under IRC Section 955 that apply to income earned between 1975 and 1986, thus creating a situation that this income is permanently stranded offshore. Our bill would repeal IRC Section 955 and will allow these stranded assets to be reinvested in the United States under the favorable tax terms that were in effect for other companies and industries in 2004. Specifically, the legislation provides a one-time opportunity for American-owned shipping companies to bring foreign source income back into the United States at a discounted tax rate for the purpose of expanding and growing our domestic maritime industry. Without the commonsense change in our legislation, these old, stranded assets will never return to the United States and never be subject to U.S. taxation.

The bill is guaranteed to create jobs for American workers with the funds being brought back into the U.S. economy—on the ships, in the shipyards building the ships, and in supporting businesses. The bill contains a provision that would recapture any tax benefits if a shipping company reduces its full-time U.S. employment levels.

This bill also would enhance U.S. national security interests by supporting shipyards that are vital to our defense industrial base, by enabling new U.S. flag tanker capacity to transport our Nation's energy products, and by providing DOD with critical assets—manpower and ships—necessary to help sustain military sealift.

The bill is strongly supported by maritime labor, shipyards, and ship owners and operators and can provide a boost to the U.S. maritime industry at a time when the U.S. is struggling to find its economic footing. The jobs created by this legislation are well-paying, long-term jobs in a crucial sector of our Nation's economy. I urge my colleagues to join me and my other original cosponsors in supporting this bill.

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. 626

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 ''American Shipping Reinvestment Act of 2011''.

SEC. 2. REPEAL OF QUALIFIED SHIPPING INVESTMENT WITHDRAWAL RULES.

(a) IN GENERAL.—Section 955 of the Internal Revenue Code of 1986 (relating to withdrawal of previously excluded subpart F income from qualified investment) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 951(a)(1)(A) of the Internal Revenue Code of 1986 is amended by adding ''and'' at the end of clause (i) and by striking clause (iii).

(2) Section 951(a)(1)(A)(ii) of such Code is amended by striking '', and'' at the end and inserting '', except that in applying this clause amounts invested in less developed country corporations described in section 955(c)(2) (as so in effect) shall not be treated as investments in less developed countries.''.

(3) Section 951(a)(3) of such Code (relating to the limitation on pro rata share of previously excluded subpart F income withdrawn from investment) is hereby repealed.

(4) Section 964(b) of such Code is amended by striking '', 955,''.

(5) The table of sections for subpart F of part III of subchapter N of chapter 1 of such Code is amended by striking the item relating to section 955.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of controlled foreign corporations ending on or after the date of the enactment of this Act, and to taxable years of United States shareholders in which or with which such taxable years of controlled foreign corporations end.

SEC. 3. ONE-TIME TEMPORARY DIVIDENDS RECEIVED DEDUCTION FOR PREVIOUSLY UNTAXED FOREIGN BASE COMPANY SHIPPING INCOME.

(a) IN GENERAL.—In the case of a corporation which is a United States shareholder and for which an election under this section is made for the taxable year, for purposes of the Internal Revenue Code of 1986, there shall be allowed as a deduction in computing taxable income under section 63 of such Code an amount equal to 85 percent of the cash distributions which are received during such taxable year by such shareholder from controlled foreign corporations to the extent that the distributions are attributable to income—

(1) which was derived by the controlled foreign corporation in taxable years beginning before January 1, 2005, and

(2) which would, without regard to the year earned, be described in section 954(f) of such Code (as in effect before the enactment of the American Jobs Creation Act of 2004).

(b) INDIRECT DIVIDENDS.—A rule similar to the rule of section 965(a)(2) of the Internal Revenue Code of 1986 shall apply, determined by treating cash distributions which are so attributable as cash dividends.

(c) LIMITATION.—The amount of dividends taken into account under this section shall not exceed the amount permitted to be taken into account under paragraphs (1), (3) (determined by substituting ''December 31, 2008'' for ''October 3, 2004''), and (4) of section 965(b) of the Internal Revenue Code of 1986, determined as if such paragraphs applied to this section.

(d) TAXPAYER ELECTION AND DESIGNATION.—For purposes of subsection (a), a taxpayer may, on its return for the taxable year to which this section applies—

(1) elect to apply paragraph (3) of section 959(c) of the Internal Revenue Code of 1986 before paragraphs (1) and (2) thereof, and

(2) designate the extent, if any, to which a cash distribution reduces a controlled foreign corporation's earnings and profits attributable to—

(A) foreign base company shipping income (determined under section 954(f) of the Internal Revenue Code of 1986 as in effect before the enactment of the American Jobs Creation Act of 2004), or

(B) other earnings and profits.

(e) ELECTION.—

(1) IN GENERAL.—The taxpayer may elect to apply this section to—

(A) the taxpayer's last taxable year which begins before the date of the enactment of this Act, or

(B) the taxpayer's first taxable year which begins during the 1-year period beginning on such date.

(2) TIMING OF ELECTION AND ONE-TIME ELECTION.—Such election may be made for a taxable year—

(A) only if made on or before the due date (including extensions) for filing the return of tax for such taxable year, and

(B) only if no election has been made under this section or section 965 of the Internal Revenue Code of 1986 with respect to the same distribution for any other taxable year of the taxpayer.

(f) REDUCTION IN BENEFITS FOR FAILURE TO MAINTAIN EMPLOYMENT LEVELS.—

(1) IN GENERAL.—If, during the period consisting of the calendar month in which the taxpayer first receives a distribution described in subsection (a) and the succeeding 23 calendar months, the taxpayer does not maintain an average employment level at least equal to the taxpayer's prior average employment, an additional amount equal to $25,000 multiplied by the number of employees by which the taxpayer's average employment level during such period falls below the prior average employment (but not exceeding the aggregate amount allowed as a deduction pursuant to subsection (a)) shall be taken into account as income by the taxpayer during the taxable year that includes the final day of such period.

(2) PRIOR AVERAGE EMPLOYMENT.—For purposes of this paragraph, the taxpayer's ''prior average employment'' shall be the average number of full time equivalent employees of the taxpayer during the period consisting of the 24 calendar months immediately preceding the calendar month in which the taxpayer first receives a distribution described in subsection (a).

(3) AGGREGATION RULES.—In determining the taxpayer's average employment level and prior average employment, all domestic members of a controlled group (as defined in section 264(e)(5)(B) of the Internal Revenue Code of 1986) shall be treated as a single taxpayer.

(g) SPECIAL RULES.—Rules similar to the rules of subsections (d) and (e) and paragraphs (3), (4), and (5) of subsection (c) of section 965 of the Internal Revenue Code of 1986 shall apply for purposes of this section.

(h) EFFECTIVE DATE.—This section shall apply to taxable years ending on or after the date of the enactment of this Act.

By Mr. LEAHY (for himself, Mr. CORNYN, Mr. WHITEHOUSE, and Mr. TESTER):

S. 627. A bill to establish the Commission on Freedom of Information Act Processing Delays; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, this week, the Nation commemorates Sunshine Week, a time to educate the public about the importance of open government. In recognition of Sunshine Week 2011, I am pleased to join with Senator CORNYN to reintroduce the Faster FOIA Act of 2011, a bill to improve the implementation of the Freedom of Information Act, FOIA.

Senator CORNYN and I first introduced this bill in 2005 to address the growing problem of excessive FOIA delays within our Federal agencies. We reintroduced this bill in 2010, and the Senate unanimously passed it last year. This bill is the most recent product of our bipartisan work to help reinvigorate FOIA.

This bill will establish a bipartisan commission to examine the root causes of agency FOIA delays and to recommend to the Congress and the President steps to help eliminate FOIA backlogs.

While the Obama administration has made significant progress in improving the FOIA process, large backlogs remain a major roadblock to public access to information. A report released earlier this week by the National Security Archive found that only about half of the Federal agencies surveyed have taken concrete steps to update their FOIA policies in light of these reforms. In addition, twelve of the agencies surveyed by the National Security Archive had pending FOIA requests that were more than 6 years old, according to the report.

Senator CORNYN and I believe that these delays are simply unacceptable. And that is why we are introducing this bill.

The commission created by the Faster FOIA Act will make key recommendations to Congress and the President for reducing impediments to the efficient processing of FOIA requests. The commission will also study why Federal agencies are more and more relying on FOIA exemptions to withhold information from the public. In addition, the commission will examine whether the current system for charging fees and granting fee waivers under FOIA should be modified. The commission will be made up of government and non-governmental representatives with a broad range of experience related to handling FOIA requests.

Thomas Jefferson once wisely observed that ''information is the currency of democracy.'' I share this view. Indeed, we need look no further than the unfolding and historic events in the Middle East and North Africa for evidence of the truth of these words. The Faster FOIA Act will help ensure the dissemination of government information to the American people, so that our democracy remains vibrant and free.

I have said many times that open government is neither a Democratic issue, nor a Republican issue it is truly an American value and virtue that we all must uphold. As we celebrate Sunshine Week, it is in this bipartisan spirit that I join Americans from across the Nation in celebrating an open and transparent government. I thank Senator CORNYN for his work on this bill and for his leadership on this issue. I also thank Senator WHITEHOUSE who has cosponsored this bill. I urge all Senators to support the Faster FOIA Act.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 628. A bill to authorize the Secretary of the Interior to convey a railroad right of way between North Pole, Alaska, and Delta Junction, Alaska, to the Alaska Railroad Corporation; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation that really has been 97 years in the making, legislation to authorize the land conveyances needed to permit the Alaska Railroad to be extended another 80 miles southeastward.

On March 12, 1914, Congress originally approved the Alaska Railroad Organic Act that authorized the construction of up to 1,000 miles of mainline track in Alaska, an effort to tie coastal Alaska with the Interior of my State. During the past century 470 miles of mainline track has been built tying Seward, Whittier and Anchorage located on either Prince William Sound or Cook Inlet with Fairbanks and Eielson Air Force base that is located just south of Fairbanks in the Interior of Alaska. Since 1923 when the current mainline track was finished being installed, there has been a dream by many to extend the railroad further, perhaps all the way to the Canadian border 270 miles away so the railroad could eventually be tied into North America's trans-continental rail network.

Today, joined by my colleague, Senator MARK BEGICH of Alaska, I introduce legislation to only authorize the land conveyances from the Federal Government to permit the railroad to reach Delta Junction, Alaska.

The reasons for the extension are many.

One reason is that the Department of Defense has large military training areas south of the Tanana River between Fairbanks and Delta Junction—some of the best areas for joint Army and Air Force training in the nation. Access to the Joint Pacific Area Range Complex, JPARC, is currently limited to ice roads in winter, but a railroad extension would permit vehicles to travel by low-cost rail to a staging area for joint military exercises that could be built immediately south of the river, reducing the time and cost of military exercises and permitting year-round training to occur more readily.

Delta Junction, the home of Ft. Greely, is also the site of an anti-missile defense installation that could also benefit from access to rail transportation.

Rail service to the area also would permit existing agricultural, mining and petrochemical industries to obtain supplies, reducing wear and tear on the Richardson Highway, currently the only means of access to the region. It would improve the economics for several mining deposits located along the 80-mile rail extension right of way, and should the railroad ever be extended further toward the border, it would open more than a dozen other known mineralized areas to potential economic development. A railroad would provide safer all-weather transportation than highways given Alaska's severe winter weather driving conditions.

Planning for such a rail extension has been underway for a number of years. In January 2010 the Surface Transportation Board approved the Environmental Impact Statement for the

rail extension. That means that a route already has been identified. This means that the estimate that this extension will require only roughly 950 acres of land to be purchased/conveyed to the railroad is a firm requirement based on an approved rail route and corridor.

The bill I introduce requires the railroad to pay the full appraised value for the land—an appraisal performed by an appraiser mutually acceptable to the Secretary of the Interior and the railroad—unless the government accepts railroad replacement property in lieu of cash payment. It requires the railroad to pay all surveying costs of the land transfer—surveying the largest likely cost of any land conveyance by the Federal Government. The bill models the transfer on the 1982 legislation that conveyed the railroad from Federal ownership to the State-based Alaska Railroad Corp., since there are now nearly 30 years of precedent and practice that should make the land conveyance issues involved in a rail extension clearer and easier to resolve.

This bill since it allows the secretary only to clear a right of way corridor does not impact the lone controversy that I am aware of involving the extension. That is the exact location of a bridge needed for the rail line to cross the Tanana River near Salcha. It is certainly my hope that the U.S. Army Corps of Engineers early this spring will follow the route approved in January 2010 and locate the bridge near Salcha, where it was cleared to go by the Surface Transportation Board after a four-year environmental review of the project. But whether the Corps approves the route, or whether EPA presses its concerns about the bridge, the bill will still be needed to authorize the right-of-way corridor over whatever final route wins approval.

For a host of reasons, it makes sense for the Alaska Railroad to be permitted to advance this extension, the first major extension of the railroad's track bed in Alaska since lines were run to Whittier during World War II in 1943. My hope is that this bill will receive a thoughtful review by the Senate Energy and Natural Resources Committee and be approved by Congress during the 112th Congress.

By Ms. MURKOWSKI (for herself, Mr. BEGICH, Mr. BINGAMAN, Ms. CANTWELL, Mr. CRAPO, Mrs. MURRAY, Mr. RISCH, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 629. A bill to improve hydropower, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce three pieces of legislation aimed at increasing the production of our hardest working renewable resource, one that often gets overlooked in the clean energy debate—hydropower. The first bill I would like to introduce today is the Hydropower Improvement Act of 2011, cosponsored by my colleagues Senators BINGAMAN, RISCH, CANTWELL, CRAPO, WYDEN, MURRAY, BEGICH, and WHITEHOUSE, true hydropower advocates. The Hydropower Improvement Act of 2011 seeks to substantially increase the capacity and generation of our clean, renewable hydropower resources that will improve environmental quality and support local job creation and economic investment across the Nation.

There is no question that hydropower is, and must continue to be, part of our energy solution. It is the largest source of renewable electricity in the United States. The 100,000 megawatts of hydroelectric capacity we now have today provide about seven percent of the Nation's electricity needs. Hydro-electric generation is carbon-free baseload power that allows us to avoid approximately 200 million metric ton of carbon emissions each year. Hydropower is clean, efficient, and inexpensive. Yet, despite its tremendous benefits I am constantly amazed at how some undervalue this important resource.

Perhaps it is because conventional wisdom dismisses our Nation's hydropower capacity as tapped out. That is simply not the case. If anything, hydropower is really an under-developed resource—something we certainly understand in my home State of Alaska where hydro already supplies 24 percent of the State's electricity needs and over 200 promising sites for further hydropower development have been identified. There is great potential for additional hydropower development in every state, not just Alaska.

According to the Obama administration, conventional hydropower facilities have the capacity to generate an additional 75,000 megawatts of power—a staggering amount of clean, inexpensive power. Now that doesn't seem possible until you realize that only three percent of the country's 80,000 existing dams are even electrified. Significant amounts of new capacity—anywhere between 20,000 and 60,000 megawatts—can be derived from simple efficiency improvements or capacity additions at existing facilities. Additional hydropower can be captured in existing manmade conduits and hydroelectric pumped storage projects can help reliably integrate other renewable resources that are intermittent, such as wind, onto our grid.

The Hydropower Improvement Act of 2011 seeks to substantially increase our Nation's hydropower capacity in an effort to expand clean power generation and create domestic jobs. The legislation establishes a competitive grants program and directs the Energy Department to produce and implement a plan for the research, development and demonstration of increased hydropower capacity. The bill provides the Federal Energy Regulatory Commission with the authority to extend preliminary permit terms; to work with federal resource agencies and stakeholders to make the review process for conduit and small hydropower projects more efficient; and to explore a possible two-year licensing process for hydropower development at non-powered dams and closed loop pumped storage projects. The act also calls for studies on the resource development at Bureau of Reclamation facilities and in conduit projects, as well as on suitable pumped storage locations. Importantly, by utilizing existing authorizations, the bill does not represent new funding.

It is my hope that as the Senate considers our Nation's long-term energy policy, we can finally recognize the important contribution the renewable resource of hydropower makes, and will continue to make, to our clean energy goals. This legislation is supported by the National Hydropower Association, the American Public Power Association, the Family Farm Alliance, the National Rural Electric Cooperative Association, the Edison Electric Institute, and the National Water Resources Association. I ask my colleagues to join me in supporting the Hydropower Improvement Act of 2011 to promote the further development of our most cost-effective, clean energy option.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 630. A bill to promote marine and hydrokinetic renewable energy research and development, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise to introduce legislation that is designed to speed up the development of renewable ocean energy—wave, current and tidal energy—across the nation and also in my home State of Alaska. The Hydrokinetic Renewable Energy Promotion Act of 2011 is cosponsored by my colleague from Alaska, Senator BEGICH.

Since 2004 I have had a strong interest in working to promote the research and development of marine hydrokinetic energy—the effort to produce electricity from waves, current and tidal energy—all of which is indirectly driven by the sun. With 70 percent of our planet covered with water, marine hydrokinetic energy has the potential to be a major source of the world's clean, non-carbon emitting power in the future.

The Electric Power Research Institute has estimated that our Nation's ocean resources could generate 252 million megawatt hours of electricity—63 percent of our entire electricity generation—if ocean energy gained the same financial and research incentives currently enjoyed by other forms of renewable energy.

In the 2005 Energy Policy Act, we started the process of leveling the playing field. In that bill, Congress authorized Federal research and included ocean energy in both the federal renewable energy purchase requirements and the federal production incentives. In the 2007 Energy Independence and Security Act, we authorized ocean energy research and demonstration centers. In 2008, we finally qualified ocean energy

to receive a renewable energy Production Tax Credit, although unfortunately at a lower rate than some other renewable energy resources receive.

The Hydrokinetic Renewable Energy Promotion Act of 2011, along with a related tax measure that I will discuss next, seeks to increase the industry's growth through additional federal aid. Specifically, the bill authorizes the Department of Energy to expand its research and development efforts on marine hydrokinetic energy via advanced engineering and integration systems. It further authorizes the Department to transfer environmental data throughout the industry in order to expedite environmental assessments and demonstration project approvals. The legislation calls for the creation of three testing facilities to be developed by states, universities, or non-profit entities to test marine hydrokinetic technology.

Importantly, the legislation directs the development of a Federal Marine-Based Energy Device Verification program. Through this program, the government will be able to certify the performance of new marine technologies in order to reduce market risks for utilities purchasing power from new devices. The bill also authorizes the Federal government to set up an adaptive management program and a fund to help pay for the regulatory permitting and development of new marine technologies. This program should help demonstration projects to win permitting approvals.

This bill further amends Section 803 from the Energy Independence and Security Act. This was a provision I had authored in that 2007 energy bill to create a renewable energy deployment grants program for all forms of renewable energy. That program has never been funded because it has been inaccurately perceived as an Alaska-only program. The amendments make clear that the renewable energy grants program is national in scope and is available to assist projects in high-cost areas, where power costs exceed 125 percent of the national average.

The Hydrokinetic Renewable Energy Promotion Act of 2011 is very similar to marine and hydrokinetic provisions that won the approval of the Senate Energy and Natural Resources Committee last Congress and were included in S. 1462, the American Clean Energy Leadership Act. This bill, however, is far less expensive, authorizing up to $225 million in aid over 3 years to jump start marine hydrokinetic power—substantially less than the $3.25 billion authorized by the original legislation. Moreover, the spending authorized in this legislation is offset via the reprogramming of previously un-utilized Congressional authorizations.

Coming from Alaska where there are more than 80 large communities located along the State's 34,000 miles of coastline and major river systems, it is clear that perfecting marine energy could be of immense benefit to the Nation. It simply makes good sense to harness the power of the sun, wind, waves, and river and ocean currents to make electricity. When the fuel is free, it's obviously economic to harness its power.

This legislation is designed to aid development nationally, but also in Alaska where several companies already have proposed test projects in the Yukon and Tanana Rivers and in Cook Inlet, along with Kachemak Bay and Inside Passage waters. Projects are under consideration at Eagle, Galena, Ruby, Tanana, in addition to near Anchorage, with others being considered near Homer and in Southeast.

This bill would allow the marine industry to be on a level playing field with other renewables such as wind, solar and geothermal power, all of which have received large budget increases in the President's fiscal year 2012 budget proposal. It would truly help the industry prove whether the technology can achieve the technical success and the economies of scale needed for it to become a major component of the nation's energy mix. I hope that Congress will give real consideration to the Hydrokinetic Renewable Energy Promotion Act of 2011, as well as the other bills that I am introducing today to aid hydroelectric development throughout the country.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 631. A bill to extend certain Federal benefits and income tax provisions to energy generated by hydropower resources; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, I rise to introduce the Hydropower Renewable Energy Development Act of 2011, legislation to extend certain benefits and income tax provisions to energy generated by hydropower resources. This legislation is co-sponsored by my colleague from Alaska, Senator BEGICH.

We have an incredible amount of hydropower potential in my home State of Alaska. To date, we have almost 50 hydropower projects—in a range of sizes from the 126 megawatt Bradley Lake project to the 7 kilowatt Walsh Creek project—that produce about 24 percent of the State's electricity needs. Alaska is proof that the hydropower resource is not tapped out—not even close. Currently, there are 32 additional hydropower projects, just in Southeast, that are either under construction or on the drawing boards. Statewide there are another 200 areas that have been identified as promising sites for lake taps, run of river, pumped storage and even new hydroelectric reservoirs. With the proper financing, we could keep a dozen hydro construction companies fully employed in the State for a decade or even longer. That is just in Alaska. There are tremendous opportunities in each and every State to further develop this clean energy alternative.

Hydropower, by definition, is a renewable resource. It produces no carbon emissions and through rainfall and melting snowpacks it is able to be replenished. Yet there are some who would deny this important classification to the hydropower resource. The Hydropower Renewable Energy Development Act of 2011 directs that the generation of hydroelectric power be treated as a ''renewable'' resource for purposes of any Federal program or standard. This reclassification of hydroelectric generation should help to incent the further production of this important and often undervalued resource.

Next, the bill provides parity treatment for hydropower resources in the Production Tax Credit, PTC. Currently, companies that generate wind, solar, geothermal, and closed-loop biomass systems are eligible for the PTC which provides a 2.1 cent per kilowatt-hour, kWh, benefit for the first 10 years of a renewable energy facility's operation. Other technologies, such as incremental hydropower, certain generation at non-powered facilities, and wave and tidal receive a lesser value tax credit of 1.1 cent per kWh. The Hydropower Renewable Energy Development Act of 2011 eliminates the distinction between the two categories so that all qualified hydropower resources receive the full PTC credit. The bill further expands upon the types of hydropower resources that can qualify for the PTC, allowing new hydro generation, small hydropower under 50 megawatts, lake taps, and pumped storage facilities to qualify as well.

The Hydropower Renewable Energy Development Act of 2011 also carries this expanded qualification of hydropower to the Clean Renewable Energy Bonds, CREBS, program.

Because non-profits like rural electric cooperatives and public power providers are not eligible for the PTC due to their tax-exempt status, CREBS was created to encourage these entities to undertake renewable energy development as well. This program has been wildly popular and has been oversubscribed since its inception. There are endless possibilities for increased hydropower production by electric cooperatives and public power providers and they should be given the proper financial incentive to do so.

Finally, the bill provides for a 5-year accelerated depreciation period for equipment which produces electricity from marine and hydrokinetic energy, as well as conventional hydropower resources.

I ask my colleagues to support this hydropower tax legislation. The further development of this untapped renewable resource will help us meet our clean energy goals through the generation of carbon-free, baseload power. At a time of record unemployment, the addition of hydropower capacity throughout the nation will lead to hundreds of thousands of good paying, domestic jobs.

By Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. BROWN of Massachusetts, Mr. MERKLEY, and Mr. ENZI):

S. 633. A bill to prevent fraud in small business contracting, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to introduce bipartisan legislation along with Senators LANDRIEU, MERKLEY, BROWN of Massachusetts, and ENZI, titled the Small Business Contracting Fraud Prevention Act of 2011.

In the past year, the Government Accountability Office, GAO, has identified vulnerabilities and abuses in virtually all of the SBA's contracting programs, including the 8(a) Business Development Program, the Historically Underutilized Business Zone, HUBZone, program, and the Service-Disabled Veteran-Owned small business, SDVOSB, program. Our legislation attempts to remedy the spate of illegitimate firms siphoning away contracts from the rightful businesses trying to compete within the SBA's contracting programs.

As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I take very seriously our responsibility of vigorous oversight. That is why, last December, Senator LANDRIEU and I sent a letter to the SBA highlighting the recent press headlines and GAO reports of fraud and abuse that have plagued the Agency's contracting programs. That letter stated unequivocally that our Committee's first priority this Congress is ensuring that ALL of the SBA's contracting programs are running efficiently, effectively, and free of exploitation. Adopting this critical small business legislation is an effective first step at ensuring all small businesses are competing fairly and honestly within the Federal marketplace.

As recently as Saturday March 12, the Washington Post, as part of an ongoing investigation, published an article titled, ''DC insiders can reap fortunes from federal programs for small businesses.'' This article states ''Government officials were not monitoring contracts for compliance with rules.'' The report exposes a glaring deficiency in contract oversight. Moreover, an SBA spokesperson is quoted as saying the SBA ''long ago transferred that authority to the Pentagon and other agencies.'' This hands-off attitude is unacceptable, and as I told the SBA Deputy Administrator at a recent Small Business Committee hearing, the ultimate authority for monitoring fraud lies with the SBA.

This legislation contains recommendations both from the SBA Inspector General and the GAO for combating these reports of fraud and addresses vulnerabilities in the Service-Disabled Veteran-Owned small business program, the HUBZone program, and the 8(a) program. Additionally, the bill will work to change the culture at SBA to make the process of suspensions and debarments more transparent.

In order to effectively execute the small business contracting programs, the SBA needs a comprehensive framework to provide effective certification, continued surveillance and monitoring, and robust enforcement throughout the SBA's contracting portfolio. This bill aims to increase criminal prosecutions as well as suspension and debarments for businesses found to have attained contracts through fraudulent means, and requires the SBA to submit a report to Congress annually detailing the specific data on all suspensions, debarments, and cases referred to the Department of Justice for criminal prosecutions.

To that end, the SBIR bill we are now debating on the Senate floor, includes stringent oversight and fraud prevention measures, requiring Inspectors General of participating Federal agencies to establish fraud detection measures, coordinate fraud-related information sharing between agencies, and provide fraud prevention related education and training to agencies administering the programs, among other initiatives.

As a senior member of the Senate Commerce Committee, I worked with the Chairman, Senator ROCKEFELLER, in developing this language following a 2009 committee investigation and hearing on the subject of fraud in the SBIR program. My amendment goes even further and provides the SBA more stringent oversight capacity across all the SBA contracting programs. It is SBA's duty to utilize every fraud prevention measure at its disposal and this amendment puts the tools in place to punish the bad actors that have infiltrated the SBA contracting programs.

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. 633

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 ''Small Business Contracting Fraud Prevention Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''8(a) program'' means the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(2) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(3) the terms ''HUBZone'' and ''HUBZone small business concern'' and ''HUBZone map'' have the meanings given those terms in section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act; and

(4) the term ''recertification'' means a determination by the Administrator that a business concern that was previously determined to be a qualified HUBZone small business concern is a qualified HUBZone small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)).

SEC. 3. FRAUD DETERRENCE AT THE SMALL BUSINESS ADMINISTRATION.

Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''Whoever'' and all that follows through ''oneself or another'' and inserting the following: ''A person shall be subject to the penalties and remedies described in paragraph (2) if the person misrepresents the status of any concern or person as a small business concern, a qualified HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans, in order to obtain for any person'';

(ii) by amending subparagraph (A) to read as follows:

''(A) prime contract, subcontract, grant, or cooperative agreement to be awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 36;'';

(iii) by striking subparagraph (B);

(iv) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(v) in subparagraph (C), as so redesignated, by striking '', shall be'' and all that follows and inserting a period;

(B) in paragraph (2)—

(i) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(ii) by inserting after subparagraph (B) the following:

''(C) be subject to the civil remedies under subchapter III of chapter 37 of title 31, United States Code (commonly known as the 'False Claims Act');''; and

(C) by adding at the end the following:

''(3)(A) In the case of a violation of paragraph (1)(A), (g), or (h), for purposes of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the amount that the Federal Government paid to the person that received a contract, grant, or cooperative agreement described in paragraph (1)(A), (g), or (h), respectively.

''(B) In the case of a violation of subparagraph (B) or (C) of paragraph (1), for the purpose of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the portion of any payment by the Federal Government under a prime contract that was used for a subcontract described in subparagraph (B) or (C) of paragraph (1), respectively.

''(C) In a proceeding described in subparagraph (A) or (B), no credit shall be applied against any loss or damages to the Federal Government for the fair market value of the property or services provided to the Federal Government.'';

(2) by striking subsection (e) and inserting the following:

''(e) Any representation of the status of any concern or person as a small business concern, a HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans, in order to obtain any prime contract, subcontract, grant, or cooperative agreement described in subsection (d)(1) shall be made in writing or

through the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto.''; and

(3) by adding at the end the following:

''(g) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person misrepresents the status of any concern or person as a small business concern, a qualified HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans—

''(1) in order to allow any person to participate in any program of the Administration; or

''(2) in relation to a protest of a contract award or proposed contract award made under regulations issued by the Administration.

''(h)(1) A person that submits a request for payment on a contract or subcontract that is awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 36, shall be deemed to have submitted a certification that the person complied with regulations issued by the Administration governing the percentage of work that the person is required to perform on the contract or subcontract, unless the person states, in writing, that the person did not comply with the regulations.

''(2) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person—

''(A) uses the services of a business other than the business awarded the contract or subcontract to perform a greater percentage of work under a contract than is permitted by regulations issued by the Administration; or

''(B) willfully participates in a scheme to circumvent regulations issued by the Administration governing the percentage of work that a contractor is required to perform on a contract.''.

SEC. 4. VETERANS INTEGRITY IN CONTRACTING.

(a) DEFINITION.—Section 3(q)(1) of the Small Business Act (15 U.S.C. 632(q)(1)) is amended by striking ''means a veteran'' and all that follows and inserting the following: ''means—

''(A) a veteran with a service-connected disability rated by the Secretary of Veterans Affairs as zero percent or more disabling; or

''(B) a former member of the Armed Forces who is retired, separated, or placed on the temporary disability retired list for physical disability under chapter 61 of title 10, United States Code.''.

(b) VETERANS CONTRACTING.—Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following:

''(g) VETERAN STATUS.—

''(1) IN GENERAL.—A business concern seeking status as a small business concern owned and controlled by service-disabled veterans shall—

''(A) submit an annual certification indicating that the business concern is a small business concern owned and controlled by service-disabled veterans by means of the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto; and

''(B) register with—

''(i) the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation, or any successor thereto; and

''(ii) the VetBiz database of the Department of Veterans Affairs, or any successor thereto.

''(2) VERIFICATION OF STATUS.—

''(A) VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall determine whether a business concern registered with the VetBiz database of the Department of Veterans Affairs, or any successor thereto, as a small business concern owned and controlled by veterans or a small business concern owned and controlled by service-disabled veterans is owned and controlled by a veteran or a service-disabled veteran, as the case may be.

''(B) FEDERAL AGENCIES GENERALLY.—The head of each Federal agency shall—

''(i) for a sole source contract awarded to a small business concern owned and controlled by service-disabled veterans or a contract awarded with competition restricted to small business concerns owned and controlled by service-disabled veterans under section 36, determine whether a business concern submitting a proposal for the contract is a small business concern owned and controlled by service-disabled veterans; and

''(ii) use the VetBiz database of the Department of Veterans Affairs, or any successor thereto, in determining whether a business concern is a small business concern owned and controlled by service-disabled veterans.

''(3) DEBARMENT AND SUSPENSION.—If the Administrator determines that a business concern knowingly and willfully misrepresented that the business concern is a small business concern owned and controlled by service-disabled veterans, the Administrator may debar or suspend the business concern from contracting with the United States.''.

(c) INTEGRATION OF DATABASES.—Not later than 1 year after the date of enactment of this Act, the Administrator for Federal Procurement Policy and the Secretary of Veterans Affairs shall ensure that data is shared on an ongoing basis between the VetBiz database of the Department of Veterans Affairs and the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation.

SEC. 5. SECTION 8(a) PROGRAM IMPROVEMENTS.

(a) REVIEW OF EFFECTIVENESS.—Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended by adding at the end the following:

''(22) Not later than 3 years after the date of enactment of this paragraph, and every 3 years thereafter, the Comptroller General of the United States shall—

''(A) conduct an evaluation of the effectiveness of the program under this subsection, including an examination of—

''(i) the number and size of contracts applied for, as compared to the number received by, small business concerns after successfully completing the program;

''(ii) the percentage of small business concerns that continue to operate during the 3-year period beginning on the date on which the small business concerns successfully complete the program;

''(iii) whether the business of small business concerns increases during the 3-year period beginning on the date on which the small business concerns successfully complete the program; and

''(iv) the number of training sessions offered under the program; and

''(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding each evaluation under subparagraph (A).''.

(b) OTHER IMPROVEMENTS.—In order to improve the 8(a) program, the Administrator shall—

(1) not later than 90 days after the date of enactment of this Act, begin to—

(A) evaluate the feasibility of—

(i) using additional third-party data sources;

(ii) making unannounced visits of sites that are selected randomly or using risk-based criteria;

(iii) using fraud detection tools, including data-mining techniques; and

(iv) conducting financial and analytical training for the business opportunity specialists of the Administration;

(B) evaluate the feasibility and advisability of amending regulations applicable the 8(a) program to require that calculations of the adjusted net worth or total assets of an individual include assets held by the spouse of the individual; and

(C) develop a more consistent enforcement strategy that includes the suspension or debarment of contractors that knowingly make misrepresentations in order to qualify for the 8(a) program; and

(2) not later than 1 year after the date on which the Comptroller General submits the report under section 8(a)(22)(B) of the Small Business Act, as added by subsection (c), issue, in final form, proposed regulations of the Administration that—

(A) determine the economic disadvantage of a participant in the 8(a) program based on the income and asset levels of the participant at the time of application and annual recertification for the 8(a) program; and

(B) limit the ability of a small business concern to participate in the 8(a) program if an immediate family member of an owner of the small business concern is, or has been, a participant in the 8(a) program, in the same industry.

SEC. 6. HUBZONE IMPROVEMENTS.

(a) PURPOSE.—The purpose of this section is to reform and improve the HUBZone program of the Administration.

(b) IN GENERAL.—The Administrator shall—

(1) ensure the HUBZone map is—

(A) accurate and up-to-date; and

(B) revised as new data is made available to maintain the accuracy and currency of the HUBZone map;

(2) implement policies for ensuring that only HUBZone small business concerns determined to be qualified under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) are participating in the HUBZone program, including through the appropriate use of technology to control costs and maximize, among other benefits, uniformity, completeness, simplicity, and efficiency;

(3) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding any application to be designated as a HUBZone small business concern or for recertification for which the Administrator has not made a determination as of the date that is 60 days after the date on which the application was submitted or initiated, which shall include a plan and timetable for ensuring the timely processing of the applications; and

(4) develop measures and implement plans to assess the effectiveness of the HUBZone program that—

(A) require the identification of a baseline point in time to allow the assessment of economic development under the HUBZone program, including creating additional jobs; and

(B) take into account—

(i) the economic characteristics of the HUBZone; and

(ii) contracts being counted under multiple socioeconomic subcategories.

(c) EMPLOYMENT PERCENTAGE.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (5), by adding at the end the following:

''(E) EMPLOYMENT PERCENTAGE DURING INTERIM PERIOD.—

''(i) DEFINITION.—In this subparagraph, the term 'interim period' means the period beginning on the date on which the Administrator determines that a HUBZone small business concern is qualified under subparagraph (A) and ending on the day before the date on which a contract under the HUBZone program for which the HUBZone small business concern submits a bid is awarded.

''(ii) INTERIM PERIOD.—During the interim period, the Administrator may not determine that the HUBZone small business is not qualified under subparagraph (A) based on a failure to meet the applicable employment percentage under subparagraph (A)(i)(I), unless the HUBZone small business concern—

''(I) has not attempted to maintain the applicable employment percentage under subparagraph (A)(i)(I); or

''(II) does not meet the applicable employment percentage—

''(aa) on the date on which the HUBZone small business concern submits a bid for a contract under the HUBZone program; or

''(bb) on the date on which the HUBZone small business concern is awarded a contract under the HUBZone program.''; and

(2) by adding at the end the following:

''(8) HUBZONE PROGRAM.—The term 'HUBZone program' means the program established under section 31.

''(9) HUBZONE MAP.—The term 'HUBZone map' means the map used by the Administration to identify HUBZones.''.

(d) REDESIGNATED AREAS.—Section 3(p)(4)(C)(i) of the Small Business Act (15 U.S.C. 632(p)(4)(C)(i)) is amended to read as follows:

''(i) 3 years after the first date on which the Administrator publishes a HUBZone map that is based on the results from the 2010 decennial census; or''.

SEC. 7. ANNUAL REPORT ON SUSPENSION, DEBARMENT, AND PROSECUTION.

The Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

(1) the number of debarments from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of debarments that were based on a conviction; and

(B) the number of debarments that were fact-based and did not involve a conviction;

(2) the number of suspensions from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of suspensions issued that were based upon indictments; and

(B) the number of suspensions issued that were fact-based and did not involve an indictment;

(3) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report that were based upon referrals from offices of the Administration, other than the Office of Inspector General;

(4) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report based upon referrals from the Office of Inspector General; and

(5) the number of persons that the Administrator declined to debar or suspend after a referral described in paragraph (8), and the reason for each such decision.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 637. A bill to establish a program to provide guarantees for debt issued by or on behalf of State catastrophe insurance programs to assist in the financial recovery from earthquakes, earthquake-induced landslides, volcanic eruptions, and tsunamis; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Earthquake Insurance Affordability Act. This bill makes important changes that will increase availability and reduce cost of catastrophic insurance for homeowners in California and other earthquake-prone Sstates.

The tragedy and devastation of the recent 9.0 earthquake in Japan was a real wakeup call for many of us. You see, the people of Japan are keenly aware of the risks of earthquakes. Every year, thousands of people participate in earthquake drills, and their building codes are the most advanced in the world. Japanese seismologists have the most sophisticated technology and monitoring systems. But all of this did little to protect them from an earthquake of this magnitude.

The people of California and much of the West Coast face a similar risk. The United States Geological Survey predicts a 99.7 percent chance that a magnitude 6.7 earthquake will strike in California in the next 30 years. The agency also predicts a 46 percent chance that a magnitude 7.5 percent or higher earthquake will strike California in the next 30 years.

The 2008 ShakeOut Scenario conducted by the US Geological Survey and FEMA modeled a 7.8 earthquake on the southern San Andres Fault. Though that quake was only 1/10th the size of the recent event in Honshu, Japan, FEMA estimated that a 7.8 earthquake in Los Angeles would result in 2,000 deaths and an economic loss of $213.3 billion.

The simple fact is that we cannot prevent earthquakes, so we must be prepared in the event one does occur. That is the only way we will be able to respond and recover quickly.

That is why I am introducing the Earthquake Insurance Affordability Act. This legislation allows non-profit state-run disaster insurance programs to receive federal guarantees if they need access to credit in the aftermath of a catastrophic disaster. Access to credit is critical in the immediate aftermath of disasters because the market will likely be disrupted and private institutions will be reluctant to lend the large sums necessary to facilitate a quick and meaningful recovery.

This Federal guarantee will be limited. The Secretary of Treasury must certify that recipients of each of the loan guarantee are able to repay debts within a reasonable timeframe. Moreover, my legislation ensures that the cost of the program is born by state programs, not the federal taxpayer. The Congressional Budget Office has estimated that my bill comes at no cost to the taxpayer.

But this legislation is about more than just access to credit—it will guarantee homeowners have access to affordable earthquake insurance coverage. This means homeowners will be able to quickly rebuild in the aftermath of an earthquake.

This legislation is necessary because most homeowner insurance policies do not cover earthquakes. In California, for instance, most homeowner insurance policies cover fire damage but not damage caused by earthquakes.

As a result, homeowners are often put in the position of either having to purchase expensive supplemental insurance or leaving their homes uninsured against these risks.

In order to help promote coverage for these risks, many states and the Federal Government have set up supplemental insurance programs that offer this coverage at affordable rates.

At the Federal level, the National Flood Insurance Program offers flood insurance to residents living in flood plains where private insurance is unavailable or too expensive.

Similar State-level programs exist in California, Florida, Texas, and other states to help residents protect their homes against catastrophic disasters. In my state, The California Earthquake Authority, CEA, was set up after the devastating 1994 Northridge earthquake to make earthquake insurance more affordable.

Unfortunately, many of these programs are not fully utilized. The California Earthquake Authority insures 70 percent of homeowners who purchase earthquake insurance in my state, but only 770,000 homeowners in California opted to buy such insurance. That means only 12 percent of Californians will be covered up if an earthquake hits.

The reason for such low use in that premiums and deductibles remain too high for the average consumer. A policy covering a $400,000 home and $60,000 of its contents costs an additional $1,105 per year, and that's on top of normal homeowners insurance. Even worse, with such high deductibles, policyholders must suffer near total collapse before they receive any payout. For most, this just isn't a good deal.

The reason for high-cost, high-deductible policies is that the CEA is forced to spend nearly $200 million each year to purchase reinsurance. This ensures that in the event of a major catastrophe, the CEA will still be able to pay out all of its claims. It is good policy for the CEA to incur this expense, and I commend their responsible business practices.

However, since 1994 the California Earthquake Authority has paid $2.5 billion in reinsurance premiums and only received back $250,000 in claims. It doesn't take a savvy businessman to see this isn't a good investment. But with minimal changes to federal law, the CEA and other state-run insurance programs can drastically reduce the

need for expensive reinsurance and substantially decrease the cost of their products.

The Earthquake Insurance Affordability Act makes these changes, allowing programs like the California Earthquake Authority to access sufficient capital following a disaster.

Let me be clear: this is not a bailout or a handout for states. The California Earthquake Authority is independent from the state and financially stable.

This bill would increase insurance coverage in California and the rest of the country and help consumers deal with losses that will occur when the next major disaster strikes.

Over the first 5 years this legislation is in effect, nearly half a billion dollars in reinsurance costs would be saved and passed along to consumers.

The California Earthquake Authority could cut premiums by 30 percent or deductibles by 50 percent.

This could result in at least 700,000 new California homeowners purchasing earthquake insurance.

Following major disasters, the federal government spends millions of dollars, and often billions, cleaning up the mess.

Katrina cost FEMA $7.2 billion.

The Northridge earthquake cost FEMA $7 billion.

Hurricane Andrew cost FEMA $1.8 billion.

By enacting the Earthquake Insurance Affordability Act and increasing the number of individuals with insurance, the cost of disaster recovery to the Federal Government could be substantially lower.

This is because FEMA cannot make payments to individuals who have insurance coverage. Therefore, every family that purchases earthquake insurance as a result of this bill, is one less family that FEMA may have to support when disaster strikes.

The bottom line is this: the next big earthquake is coming and we are not prepared for it. Families need to make sure they have earthquake preparedness plans, and homeowners need to evaluate the best ways to protect their homes. Structures need to be strengthened and all new buildings must be built to the highest standards. The Federal Government must also do its part, to help facilitate this preparedness.

The Earthquake Insurance Affordability Act will make great strides to help our country prepare for a major earthquake, and it does so without burdening the federal taxpayer. I urge my colleagues to quickly adopt this critical piece of legislation and help us better prepare for tragedy.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. MCCAIN, Mr. SCHUMER, Mrs. BOXER, and Mrs. HUTCHISON):

S. 638. A bill to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today Senator KYL and I are introducing two bills that will assist with alleviating the costs of illegal immigration for State and local governments—the SCAAP Reauthorization Act and the SCAAP Reimbursement Protection Act of 2011.

We are joined by Senators MCCAIN, SCHUMER, BOXER, and HUTCHISON.

Immigration is a federal responsibility, as is securing the Nation's borders. When the Federal Government fails to prevent illegal immigration, as it has for some time now, it needs to take responsibility for the consequences of this failure.

However, the burden of incarcerating illegal aliens who commit crimes in our country has fallen largely to the States, and it weighs heavily on them, especially during this time of economic uncertainty. Last year, the State of California spent an estimated $1 billion to incarcerate criminal aliens.

Understanding the expenses that States and localities bear, Congress enacted the State Criminal Alien Assistance Program, SCAAP, in 1994 as part of the Violent Crime Control Act. The program was designed to help reimburse States and local governments for the costs of incarcerating criminal aliens, and was last reauthorized in 2006 as part of a Department of Justice Reauthorization bill. The SCAAP Reauthorization bill that I am introducing today will reauthorize the program for an additional four years, until fiscal year 2015.

The second bill that we are introducing today is necessary to fix a switch in interpretation by the Justice Department.

Prior to 2003, the Department of Justice interpreted the SCAAP statute to include reimbursement to States and localities for incarcerating undocumented criminal aliens who have been accused or convicted of State and local offenses, and have been incarcerated for a minimum of 72 hours. However, in 2003, DOJ changed its interpretation, and began limiting reimbursement to the amount States and localities spend incarcerating convicted criminal aliens for at least 4 consecutive days.

Reimbursing States and localities only for the costs when a criminal alien is convicted and incarcerated for 4 consecutive days significantly undermines the goal of SCAAP that States and localities should not bear the burden of a broken Federal immigration system. The actual costs of this failed Federal system begin when these aliens are charged with a crime, transported, and incarcerated for any length of time.

This narrow interpretation by the Justice Department is even more devastating because SCAAP is consistently under-funded. The President's fiscal year 2012 budget request for SCAAP represents a 59 percent reduction below the fiscal year 2010 level and is far short of meeting the actual reimbursement costs of most States. As a result, SCAAP only reimburses States for a fraction of the costs of incarcerating criminal aliens. In 2009, Los Angeles County alone spent $116.6 million to house undocumented felons and received only $15.4 million in reimbursement payments.

The SCAAP Reimbursement Protection Act of 2011 will fix this problem by making it clear that States can be reimbursed for the full costs of incarcerating aliens who are either charged with or convicted of a felony or two misdemeanors.

When the Federal Government does not reimburse States and local governments for the costs of incarcerating criminal aliens, it is at the expense of local services and law enforcement. American communities simply cannot afford to shoulder the weight of our immigration policies.

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. 638

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 ''SCAAP Reimbursement Protection Act of 2011''.

SEC. 2. ASSISTANCE FOR STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH CERTAIN CRIMES.

Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(A)) is amended by inserting ''charged with or'' before ''convicted''.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. MCCAIN, Mr. SCHUMER, Mrs. BOXER, and Mrs. HUTCHISON):

S. 639. A bill to authorize to be appropriated $950,000,000 for each of the fiscal years 2012 through 2015 to carry out the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

Mrs. FEINSTEIN. 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. 639

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 ''SCAAP Reauthorization Act''.

SEC. 2. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

Subparagraph (C) of section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)) is amended by striking ''2011.'' and inserting ''2015.''.

By Mr. AKAKA (for himself and Mr. CARPER):

S. 640. A bill to underscore the importance of international nuclear safety

cooperation for operating power reactors, encouraging the efforts of the Convention on Nuclear Safety, supporting progress in improving nuclear safety, and enhancing the pubic availability of nuclear safety information; to the Committee on Foreign Relations.

Mr. AKAKA. Mr. President, I rise today to introduce the Furthering International Nuclear Safety Act of 2011 to enhance the implementation of the Convention on Nuclear Safety by taking a more systematic approach to improving civilian nuclear power safety. This legislation is cosponsored by Senator CARPER, and Representative FORTENBERRY is introducing a House companion bill.

The still unfolding nuclear emergency in Japan serves as a powerful reminder that the United States as a Nation, and as an influential member of the international community, must continually seek methods to enhance the safety posture of nuclear facilities worldwide.

This year, April 26 will provide us with another sobering reminder: the 26th anniversary of the Chernobyl disaster in Ukraine. The Chernobyl disaster was the worst nuclear power accident in history and made clear the need for international nuclear safety norms. According to a report commissioned by United Nations agencies, millions of people were exposed to high doses of radiation, and approximately 350,000 people were displaced from their homes. The countries most directly affected by the disaster suffered estimated economic damages on the order of hundreds of billions of dollars, while thousands of square miles of agricultural and forest lands were removed from service.

In the aftermath of this accident, over 50 countries, led by the United States, worked together to develop the Convention on Nuclear Safety. This convention was formally established in 1994, and the United States joined in 1999. Through the cooperative nature of the convention, which relies on peer-reviewed national reports and the sharing of best practices, countries that are party to the treaty work to improve their nuclear safety.

Although civilian nuclear power programs have become safer since Chernobyl, the unfolding disaster in Japan makes clear that we must not become complacent. In future months, Japan and the international community will assess the damage and how to prevent its recurrence. This bill will provide a stronger framework for United States engagement in that process.

Currently, there are nearly 450 civilian nuclear power reactors operating in 31 countries around the world, and at least 65 more are under construction. Countries such as Jordan, the United Arab Emirates, Thailand, and Vietnam have started or expressed interest in civilian nuclear power programs. The global expansion of nuclear power should be accompanied by greater attention to nuclear safety.

Last year, the Government Accountability Office, GAO, completed a review of the Convention on Nuclear Safety in which GAO obtained the views of 40 parties to the Convention while carefully protecting individual respondent information. GAO found that the Convention has been very successful in improving nuclear safety but made recommendations to the United States Government that would enhance the Convention's effectiveness.

The bill I am introducing today will implement GAO's recommendations and additional steps to improve nuclear safety worldwide. This bill urges the United States delegate to the Convention to take certain actions to enhance international nuclear safety. This includes the United States advocating that parties to the Convention more systematically assess their own progress through the broader use of performance metrics. Additionally, to increase access to information about nuclear safety, the delegate to the Convention will encourage parties to post their annual reports and answers to questions from other parties on the International Atomic Energy Agency's, IAEA, public website. IAEA will be encouraged to offer additional support, such as providing additional technical support; assistance as needed for parties' national reports; and support for Convention meetings, including language translation services. Further, the United States delegate will encourage all countries that have or are considering establishing a civilian nuclear power program to join the Convention. Finally, this bill calls for the Secretary of State to lead the development of a United States Government strategic plan for international nuclear safety cooperation for operating nuclear power reactors and to report on progress made in implementing this bill.

International nuclear safety deserves our Nation's ongoing attention. As we continue to support Japan's efforts to prevent further deterioration at the damaged nuclear facilities, and as we approach the 25th anniversary of the Chernobyl disaster, we should be mindful that the use and expansion of nuclear power needs to be combined with supreme vigilance and concern for safety.

I urge my colleagues to join me in supporting this 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. 640

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 ''Furthering International Nuclear Safety Act of 2011''.

SEC. 2. PURPOSES.

The purposes of this Act are as follows:

(1) To recognize the paramount importance of international nuclear safety cooperation for operating power reactors.

(2) To further the efforts of the Convention on Nuclear Safety as a vital international forum on nuclear safety.

(3) To support progress in improving nuclear safety for countries that currently have or are considering the development of a civilian nuclear power program.

(4) To enhance the public availability of nuclear safety information.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Environment and Public Works of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Foreign Affairs of the House of Representatives;

(E) the Committee on Energy and Commerce of the House of Representatives; and

(F) the Committee on Oversight and Government Reform of the House of Representatives.

(2) CONVENTION.—The term ''Convention'' means the Convention on Nuclear Safety, done at Vienna September 20, 1994, and ratified by the United States April 11, 1999.

(3) MEETING.—The term ''meeting'' means a meeting as described under Article 20, 21, or 23 of the Convention.

(4) NATIONAL REPORT.—The term ''national report'' means a report as described under Article 5 of the Convention.

(5) PARTY.—The term ''party'' means a nation that has formally joined the Convention through ratification or other means.

(6) SUMMARY REPORT.—The term ''summary report'' means a report as described under Article 25 of the Convention.

SEC. 4. UNITED STATES EFFORTS TO FURTHER INTERNATIONAL NUCLEAR SAFETY.

The President shall instruct the United States official serving as the delegate to the meetings of the Convention on Nuclear Safety pursuant to Article 24 of the Convention to use the voice, vote, and influence of the United States, while recognizing that these efforts by parties are voluntary, to encourage, where appropriate—

(1) parties to more systematically assess where and how they have made progress in improving safety, including where applicable through the incorporation of performance metric tools;

(2) parties to increase the number of national reports they make available to the public by posting them to a publicly available Internet Web site of the International Atomic Energy Agency (IAEA);

(3) parties to expand public dissemination of written answers to questions raised by other parties about national reports by posting the information to a publicly available Internet Web site of the IAEA;

(4) the IAEA to further its support of the Convention, upon request by a party and where funding is available, by—

(A) providing assistance to parties preparing national reports;

(B) providing additional assistance to help prepare for and support meetings, including language translation services; and

(C) providing additional technical support to improve the safety of civilian nuclear power programs; and

(5) all countries that currently have or are considering the establishment of a civilian nuclear power program to formally join the Convention.

SEC. 5. STRATEGIC PLAN.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in cooperation with the heads of other relevant United States Government agencies, shall submit to the appropriate congressional committees the United States Government's strategic plan and prioritized goals for international nuclear safety cooperation for operating power reactors.

SEC. 6. REPORTS.

(a) REPORT ON IMPLEMENTATION OF STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 180 days after the issuance of each of the first two summary reports of the Convention issued after the date of the enactment of this Act, the Secretary of State, in cooperation with the heads of other relevant United States Government agencies, shall submit to the appropriate congressional committees a report that—

(A) describes the status of implementing the strategic plan and achieving the goals set forth in section 5; and

(B) enumerates the most significant concerns of the United States Government regarding worldwide nuclear safety and describes the extent to which the strategic plan addresses these concerns.

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(b) REPORT ON UNITED STATES EFFORTS TO FURTHER INTERNATIONAL NUCLEAR SAFETY.—Not later than 180 days after the issuance of each of the first two summary reports of the Convention issued after the date of the enactment of this Act, the United States official serving as the delegate to the meetings of the Convention shall submit to the appropriate congressional committees a report providing the status of achieving the actions set forth in section 4.

By Mr. DURBIN (for himself, Mr. CORKER, Mr. REID, Mr. ROBERTS, Mr. CARDIN, Mr. ISAKSON, Mr. LEAHY):

S. 641. A bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005; to the Committee on Foreign Relations.

Mr. DURBIN. Mr. President, on March 22, countries around the world will celebrate World Water Day—a day to mark the progress we have made protecting this most important resource and to reflect on the many challenges we still face in providing clean, safe water to the world's poor.

In 2005, Congress in a bipartisan effort, passed the Senator Paul Simon Water for the Poor Act to establish American leadership on this issue. The bill had the support of then-Majority Leader Bill Frist and then-Congressman Henry Hyde in the House. President George W. Bush signed the bill into law.

The bill was appropriately named after my predecessor in the Senate, Paul Simon, who was years ahead of many others recognizing the importance of water.

This act has already done a great deal to help bring clean water and sanitation to the world's poor. But we can do more.

That is why today Senators CORKER, REID, ROBERTS, CARDIN, ISAKSON, LEAHY, and I are reintroducing the Senator Paul Simon Water for the World Act. This bill would improve the original Water for the Poor Act—by strengthening America's ability to provide clean water and sanitation to 100 million of the world's poor within six years of enactment.

Tragically, today nearly 1 billion people still lack access to safe drinking water, and more than 2 billion still lack basic sanitation. Lack of access to stable supplies of water is reaching critical proportions, particularly for agricultural purposes. And the problem will only worsen with rapid urbanization worldwide. Experts suggest that another 1.2 billion people will lack access to clean water and sanitation within 20 years.

The overall economic loss in Africa alone due to lack of access to safe water and basic sanitation is estimated at $28.4 billion a year. In many poor nations, women and girls walk 2 or 3 hours or more each way, every day, to collect water that is often dirty and unsafe.

The United Nations estimates that women and girls in sub-Saharan Africa spend a total of 40 billion working hours each year collecting water. That is equivalent to all of the hours worked in France in a year. Clearly, the world needs to do more to help with such a basic human need.

Last year, the Senate passed the Water for the World Act with 33 cosponsors representing the broad political spectrum of the Senate. You see, American leadership in providing the world's poor with this most basic of human needs has always been bipartisan in the past—and it should be today.

As we celebrate World Water Day next week, let's renew our commitment to making sure the world's poor have access to water and sanitation need by sending this critical piece of legislation to the President's desk.

The Water for the World Act is not an effort to create vast new programs, but rather to focus our foreign assistance on a comprehensive, strategic series of investments related to water and sanitation. These are simple, common-sense steps that will make a real difference in people's lives.

Our legislation would make the United States a leader in trying to meet Millennium Development Goals for drinking water and sanitation, which is to reduce by half the proportion of people without safe water and sanitation by 2015. The bill targets aid to areas with the greatest need and helps build the capacity of poor nations to meet their own water and sanitation challenges.

The Water for the World Act also supports research of clean water technologies and regional partnerships to find solutions to shared water challenges. The bill provides technical assistance—best practices, credit authorities, and training—to help countries expand access to clean water and sanitation. Our development experts will design the assistance based on local needs.

The bill also would strengthen the capacity of USAID and the State Department to implement development assistance efforts related to water and ramp up U.S. developmental and diplomatic leadership.

And lastly, the bill includes a 25 percent cost share for these water and sanitation programs—requiring USAID to partner with universities, philanthropies, and other donors in meeting the key goals.

USAID's sustained commitment to addressing water and sanitation issues has been invaluable in combating poverty and disease worldwide. In fact, USAID recently announced the position of a Senior Water Coordinator, Chris Holmes, whom I had the pleasure of meeting this week. I applaud USAID Administrator Shah for taking this important step that will save lives.

Not only is helping people access clean water and sanitation the right thing to do, it is the smart thing to do. For example, research shows that for every dollar put into clean water and sanitation, $8 in returns are gained in health, education and economic productivity.

Water scarcity can also be a source of conflict and economic calamity. Without reliable supplies of water, farmers struggle to grow crops, and areas once abundant with water are slowly becoming barren. Quite simply, no other issue is more important to human health, peace and security than access to sustainable supplies of water.

Helping other nations is in our national interest. Some say that now is not the time to invest in poor nations half a world away, when our economy is in crisis and so many Americans are hurting. That view is understandable. Recovering from this recession and rebuilding our economy for the long term must be, and is, our government's top priority.

But investing in clean water for the world is a smart strategy that will make our foreign assistance dollars achieve more—something we need in these hard economic times.

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. 641

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 ''Senator Paul Simon Water for the World Act of 2011''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121)—

(A) makes access to safe water and sanitation for developing countries a specific policy objective of United States foreign assistance programs;

(B) requires the Secretary of State to—

(i) develop a strategy to elevate the role of water and sanitation policy; and

(ii) improve the effectiveness of United States assistance programs undertaken in support of that strategy;

(C) codifies Target 10 of the United Nations Millennium Development Goals; and

(D) seeks to reduce by half between 1990 (the baseline year) and 2015—

(i) the proportion of people who are unable to reach or afford safe drinking water; and

(ii) the proportion of people without access to basic sanitation.

(2) On December 20, 2006, the United Nations General Assembly, in GA Resolution 61/192, declared 2008 as the International Year of Sanitation, in recognition of the impact of sanitation on public health, poverty reduction, economic and social development, and the environment.

(3) On August 1, 2008, Congress passed H. Con. Res. 318, which—

(A) supports the goals and ideals of the International Year of Sanitation; and

(B) recognizes the importance of sanitation on public health, poverty reduction, economic and social development, and the environment.

(4) While progress is being made on safe water and sanitation efforts—

(A) more than 884,000,000 people throughout the world lack access to safe drinking water; and

(B) 2 of every 5 people in the world do not have access to basic sanitation services.

(5) The health consequences of unsafe drinking water and poor sanitation are significant, accounting for—

(A) nearly 10 percent of the global burden of disease; and

(B) more than 2,000,000 deaths each year.

(6) Water scarcity has negative consequences for agricultural productivity and food security for the 1,200,000,000 people who, as of 2010, suffer from chronic hunger and seriously threatens the ability of the world to more than double food production to meet the demands of a projected population of 9,000,000,000 people by 2050.

(7) According to the November 2008 report entitled, ''Global Trends 2025: A Transformed World'', the National Intelligence Council expects rapid urbanization and future population growth to exacerbate already limited access to water, particularly in agriculture-based economies.

(8) According to the 2005 Millennium Ecosystem Assessment, commissioned by the United Nations, more than ⅕ of the world population relies on freshwater that is either polluted or excessively withdrawn.

(9) The impact of water scarcity on conflict and instability is evident in many parts of the world, including the Darfur region of Sudan, where demand for water resources has contributed to armed conflict between nomadic ethnic groups and local farming communities.

(10) In order to further the United States contribution to safe water and sanitation efforts, it is necessary to—

(A) expand foreign assistance capacity to address the challenges described in this section; and

(B) represent issues related to water and sanitation at the highest levels of United States foreign assistance and diplomatic deliberations, including those related to issues of global health, food security, the environment, global warming, and maternal and child mortality.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that the United States should help undertake a global effort to bring sustainable access to clean water and sanitation to poor people throughout the world.

SEC. 4. PURPOSE.

The purpose of this Act is—

(1) to enable first-time access to safe water and sanitation, on a sustainable basis, for 100,000,000 people in high priority countries (as designated under section 6(f) of the Senator Paul Simon Water for the Poor Act of 2005 (22 U.S.C. 2152h note) within 6 years of the date of enactment of this Act through direct funding, development activities, and partnerships; and

(2) to enhance the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121).

SEC. 5. DEVELOPING UNITED STATES GOVERNMENT CAPACITY.

Section 135 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h) is amended by adding at the end the following:

''(e) SENIOR ADVISOR FOR WATER.—

''(1) IN GENERAL.—To carry out the purposes of subsection (a), the Administrator of the United States Agency for International Development shall designate a senior advisor to coordinate and conduct the activities described in this section and the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121). The Advisor shall report directly to the Administrator and be known as the 'Senior Advisor for Water'. The initial Senior Advisor for Water shall be the individual serving as the USAID Global Water Coordinator as of the date of the enactment of the Senator Paul Simon Water for the World Act of 2010.

''(2) DUTIES.—The Advisor shall—

''(A) implement this section and the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121);

''(B) develop and oversee implementation in high priority countries of country-specific water strategies and expertise, in coordination with appropriate United States Agency for International Development Mission Directors, to enable the goal of providing 100,000,000 additional people with sustainable access to safe water and sanitation through direct funding, development activities, and partnerships within 6 years of the date of the enactment of the Senator Paul Simon Water for the World Act of 2011; and

''(C) place primary emphasis on providing safe, affordable, and sustainable drinking water, sanitation, and hygiene in a manner that—

''(i) is consistent with sound water resource management principles; and

''(ii) utilizes such approaches as direct service provision, capacity building, institutional strengthening, regulatory reform, and partnership collaboration; and

''(D) integrate water strategies with country-specific or regional food security strategies.

''(3) CAPACITY.—The Advisor shall be designated appropriate staff and may utilize interagency details or partnerships with universities, civil society, and the private sector, as needed, to strengthen implementation capacity.

''(4) FUNDING SOURCES.—The Advisor shall ensure that at least 25 percent of the overall funding necessary to meet the global goal set forth under paragraph (2)(B) is provided by non-Federal sources, including foreign governments, international institutions, and through partnerships with universities, civil society, and the private sector, including private and corporate foundations.

''(f) SPECIAL COORDINATOR FOR INTERNATIONAL WATER.—

''(1) ESTABLISHMENT.—To increase the capacity of the Department of State to address international issues regarding safe water, sanitation, integrated river basin management, and other international water programs, the Secretary of State shall establish a Special Coordinator for International Water (referred to in this subsection as the 'Special Coordinator'), who shall report to the Under Secretary for Democracy and Global Affairs. The initial Special Coordinator shall be the individual serving as Special Coordinator for Water Resources as of the date of the enactment of the Senator Paul Simon Water for the World Act of 2011.

''(2) DUTIES.—The Special Coordinator shall—

''(A) oversee and coordinate the diplomatic policy of the United States Government with respect to global freshwater issues, including interagency coordination related to—

''(i) sustainable access to safe drinking water, sanitation, and hygiene;

''(ii) integrated river basin and watershed management;

''(iii) global food security;

''(iv) transboundary conflict;

''(v) agricultural and urban productivity of water resources;

''(vi) disaster recovery, response, and rebuilding,

''(vii) pollution mitigation; and

''(viii) adaptation to hydrologic change due to climate variability; and

''(B) ensure that international freshwater issues are represented—

''(i) within the United States Government; and

''(ii) in key diplomatic, development, and scientific efforts with other nations and multilateral organizations.

''(3) SUPPORT STAFF.—The Special Coordinator shall be designated appropriate staff to support the duties described in paragraph (2).''.

SEC. 6. SAFE WATER, SANITATION, AND HYGIENE STRATEGY.

Section 6 of the Senator Paul Simon Water for the Poor Act of 2005 (22 U.S.C. 2152h note) is amended—

(1) in subsection (b), by adding at the end the following: ''The Special Coordinator for International Water established under section 135(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h(f)) shall take actions to ensure that the safe water and sanitation strategy is integrated into any review or development of a Federal strategy for global development, global health, or global food security that sets forth or establishes the United States mission for global development, guidelines for assistance programs, and how development policy will be coordinated with policies governing trade, immigration, and other relevant international issues.'';

(2) in subsection (c), by adding at the end the following: ''In developing the program activities needed to implement the strategy, the Secretary shall consider the results of the assessment described in subsection (e)(9).''; and

(3) in subsection (e)—

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

(B) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(7) an assessment of all United States Government foreign assistance allocated to the drinking water and sanitation sector during the 3 previous fiscal years, across all United States Government agencies and programs, including an assessment of the extent to which the United States Government's efforts are reaching and supporting the goal of enabling first-time access to safe water and sanitation on a sustainable basis for 100,000,000 people in high priority countries;

''(8) recommendations on what the United States Government would need to do to achieve and support the goals referred to in

paragraph (7), in support of the United Nation's Millennium Development Goal on access to safe drinking water; and

''(9) an assessment of best practices for mobilizing and leveraging the financial and technical capacity of business, governments, nongovernmental organizations, and civil society in forming public-private partnerships that measurably increase access to safe, affordable, drinking water and sanitation.''.

SEC. 7. DEVELOPING LOCAL CAPACITY.

The Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121) is amended—

(1) by redesignating sections 9, 10, and 11 as sections 10, 11, and 12, respectively; and

(2) by inserting after section 8 the following:

''SEC. 9. WATER AND SANITATION INSTITUTIONAL CAPACITY-BUILDING PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development (referred to in this section as the 'Secretary' and the 'Administrator', respectively), in consultation with host country institutions, the Centers for Disease Control and Prevention, the Department of Agriculture, and other agencies, as appropriate, shall establish, in coordination with mission directors in high priority countries, a program to build the capacity of host country institutions and officials responsible for water and sanitation in countries that receive assistance under section 135 of the Foreign Assistance Act of 1961, including training at appropriate levels, to—

''(A) provide affordable, equitable, and sustainable access to safe drinking water and sanitation;

''(B) educate the populations of such countries about the dangers of unsafe drinking water and lack of proper sanitation; and

''(C) encourage behavior change to reduce individuals' risk of disease from unsafe drinking water and lack of proper sanitation and hygiene.

''(2) EXPANSION.—The Secretary and the Administrator may establish the program described in this section in additional countries if the receipt of such capacity building would be beneficial for promoting access to safe drinking water and sanitation, with due consideration given to good governance.

''(3) CAPACITY.—The Secretary and the Administrator—

''(A) should designate appropriate staff with relevant expertise to carry out the strategy developed under section 6; and

''(B) may utilize, as needed, interagency details or partnerships with universities, civil society, and the private sector to strengthen implementation capacity.

''(b) DESIGNATION.—The United States Agency for International Development Mission Director for each country receiving a 'high priority' designation under section 6(f) and for each region containing a country receiving such designation shall report annually to Congress on the status of—

''(1) designating safe drinking water and sanitation as a strategic objective;

''(2) integrating the water strategy into a food security strategy;

''(3) assigning an employee of the United States Agency for International Development as in-country water and sanitation manager to coordinate the in-country implementation of this Act and section 135 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h) with host country officials at various levels of government responsible for water and sanitation, the Department of State, and other relevant United States Government agencies; and

''(4) coordinating with the Development Credit Authority and the Global Development Alliance to further the purposes of this Act.''.

SEC. 8. OTHER ACTIVITIES SUPPORTED.

In addition to the requirements of section 135(c) of the Foreign Assistance Act (22 U.S.C. 2152h(c)) the Administrator should—

(1) foster global cooperation on research and technology development, including regional partnerships among water experts to address safe drinking water, sanitation, water resource management, and other water-related issues;

(2) establish regional and cross-border cooperative activities between scientists and specialists that work to share technologies and best practices, mitigate shared water challenges, foster international cooperation, and defuse cross-border tensions;

(3) provide grants through the United States Agency for International Development to foster the development, dissemination, and increased and consistent use of low cost and sustainable technologies, such as household water treatment, hand washing stations, and latrines, for providing safe drinking water, sanitation, and hygiene that are suitable for use in high priority countries, particularly in places with limited resources and infrastructure;

(4) in collaboration with the Centers for Disease Control and Prevention, Department of Agriculture, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and other agencies, as appropriate, conduct formative and operational research and monitor and evaluate the effectiveness of programs that provide safe drinking water and sanitation; and

(5) integrate efforts to promote safe drinking water, sanitation and hygiene with existing foreign assistance programs, as appropriate, including activities focused on food security, HIV/AIDS, malaria, tuberculosis, maternal and child health, food security, and nutritional support.

SEC. 9. MONITORING AND EVALUATION.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) achieving United States foreign policy objectives requires the consistent and systematic evaluation of the impact of United States foreign assistance programs and analysis on what programs work and why, when, and where they work;

(2) the design of assistance programs and projects should include the collection of relevant baseline data required to measure outcomes and impacts;

(3) the design of assistance programs and projects should reflect the knowledge gained from evaluation and analysis;

(4) a culture and practice of high quality evaluation should be revitalized at agencies managing foreign assistance programs, which requires that the concepts of evaluation and analysis are used to inform policy and programmatic decisions, including the training of aid professionals in evaluation design and implementation;

(5) the effective and efficient use of funds cannot be achieved without an understanding of how lessons learned are applicable in various environments and under similar or different conditions; and

(6) project evaluations should be used as sources of data when running broader analyses of development outcomes and impacts.

(b) COORDINATION AND INTEGRATION.—To the extent possible, the Administrator shall coordinate and integrate evaluation of United States water programs with the learning, evaluation, and analysis efforts of the United States Agency for International Development aimed at measuring development impact.

SEC. 10. UPDATED REPORT REGARDING WATER FOR PEACE AND SECURITY.

Section 11(b) of the Senator Paul Simon Water for the Poor Act of 2005, as redesignated by section 7, is amended by adding at the end the following: ''The report submitted under this subsection shall include an assessment of current and likely future political tensions over water sources and multidisciplinary assessment of the expected impacts of changes to water supplies and agricultural productivity in 10, 25, and 50 years.''.

SEC. 11. COMPTROLLER GENERAL REPORT ON EFFECTIVENESS AND EFFICIENCY OF UNITED STATES EFFORTS TO PROVIDE SAFE WATER AND SANITATION FOR DEVELOPING COUNTRIES.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the effectiveness and efficiency of United States efforts to provide safe water and sanitation for developing countries.

(b) ELEMENTS.—In preparing the report required by subsection (a), the Comptroller General shall, at a minimum—

(1) identify all programs (and respective Federal agencies) in the Federal Government that perform the mission of providing safe water and sanitation for developing countries, including capacity-building, professional exchanges, and other related programs;

(2) list the actual costs for the implementation, operation, and support of the individual programs;

(3) assess the effectiveness of these programs in meeting their goals;

(4) assess the efficiency of these programs compared to each other and to programs to provide similar aid performed by nongovernmental organizations and other governments, and identify best practices from this assessment;

(5) identify and assess programs that are duplicative of each other or of efforts by nongovernmental organizations and other governments;

(6) assess whether appropriate oversight of these programs is being conducted by Federal agencies, especially in the programs in which Federal agencies are utilizing contractors instead of government employees to perform this mission; and

(7) make such recommendations as the Comptroller General considers appropriate.

By Mr. LEAHY:

S. 642. A bill to permanently reauthorize the EB-E Regional Center Program; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am introducing the Creating American Jobs Through Foreign Capital Investment Act. This bill does one simple thing: It makes the EB–5 regional center program permanent. The EB–5 Regional Center Program has been highly successful since its inception in 1992, but it has always lacked the security of assured continuity. Extending the program by a few years at a time hampers the growth of the program and creates a disincentive for immigrant investors to bring their capital investments to the United States. EB–5 regional center programs have drawn jobs and millions of investment dollars to struggling communities and regions of our country. We can expand these job-creating

programs and allow new regional centers to compete for investments with quality projects—if the EB–5 authorization is made permanent in law.

The State of Vermont and Vermont entrepreneurs recognized the potential of this program early on, and Vermont gained regional center status in 1997. Our State and the Vermont entrepreneurs who took advantage of the regional center planned their projects with great care. As a result, both the State and our entrepreneurs have successfully attracted investors and created jobs. Other states have taken note of Vermont's success, and today there are now about 135 designated regional center programs across the country, which are creating jobs in States like Alabama, Arizona, California, Florida, Iowa, and New York, to name just a few.

A regional center program is an economic engine for the state or region in which it is located. In a small state like Vermont, the economic activity generated by EB–5 projects at resorts like Jay Peak and Sugarbush has created direct jobs in those communities. Some of those jobs are for the construction and expansion phase, and others are for long-term employees of the resorts. These resort expansions bring more tourists to Vermont to enjoy skiing and summertime activities. Then there are the multiplier effects of these projects. Our visitors spend money while skiing and touring Vermont, supporting other Vermont businesses with every purchase they make. The economic activity is not limited to tourism, and there are other innovative projects in the pipeline in Vermont—projects like biotechnology; water purification; and manufacturing. Because the entire State of Vermont is a designated regional center, there is great potential for diversity both in terms of projects and geographic location.

The Regional Center program attracts foreign investors seeking legal permanent residency and a chance to invest in the American economy. Investors must pledge a minimum of $500,000 to a project within a Regional Center, and they independently apply for EB–5 visas. If approved by U.S. Citizenship and Immigration, USCIS, foreign investors are granted conditional 2-year green cards. After 2 years, these investors must provide proof that they have created at least 10 jobs as a result of their investments, and that they have met additional investment requirements set by USCIS.

The Federal Government authorizes approximately 388,000 green cards each year. Out of that number, only 10,000 annually are reserved for the EB–5 program. The vast majority of the green cards issued by our Government are family-based and available to anyone who meets the admissibility criteria, irrespective of personal wealth. It is true that this program requires a significant up-front investment from a prospective immigrant, but that does not disadvantage others who wish to become permanent residents. Most importantly, that investment directly benefits American communities and workers at no cost to American taxpayers. Similar programs have long yielded extraordinary economic benefits for the people of Canada, Australia and other countries.

There is virtually no substantive opposition to the EB–5 program. Most elected officials will agree that creating jobs and capital investment is a good, bipartisan goal.

The bill I introduce today makes the program permanent, but I am also working on a broader package of improvements to the EB–5 program to modernize it and ensure it operates efficiently, and as Congress intended. We must make sure that the immigration agency has the tools it needs to keep the program free from fraud and abuse. We must offer stakeholders an efficient process with fair standards so that they have confidence in the program. I am developing legislation in consultation with stakeholders and agency officials to make changes that will bring about lasting improvements for everyone involved.

The EB–5 regional center program is one small corner of our overall immigration system—and it is one that generates tangible, ongoing economic benefits for Americans in the form of jobs and capital investment in local communities. It is an American success story, and we can build on its success with a continuing charter, with careful cultivation, and with appropriate oversight.

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. 642

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 ''Creating American Jobs Through Foreign Capital Investment Act''.

SEC. 2. PERMANENT REAUTHORIZATION OF EB–5 REGIONAL CENTER PROGRAM.

Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—

(1) by striking ''pilot'' each place such term appears; and

(2) in subsection (b), by striking ''until September 30, 2012''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 104—DESIGNATING SEPTEMBER 2011 AS ''CAMPUS FIRE SAFETY MONTH''

Mr. LAUTENBERG (for himself, Ms. COLLINS, Mr. LEVIN, Mr. SANDERS, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committtee on the Judiciary:

S. RES. 104

Whereas, each year, States across the Nation formally designate September as Campus Fire Safety Month;

Whereas, since January 2000, at least 143 people, including students, parents, and children have died in campus-related fires;

Whereas 85 percent of those deaths occurred in off-campus residences;

Whereas a majority of college students in the United States live in off-campus residences;

Whereas a number of fatal fires have occurred in buildings in which the fire safety systems had been compromised or disabled by the occupants;

Whereas automatic fire alarm systems provide the early warning of a fire that is necessary for occupants and the fire department to take appropriate action;

Whereas automatic fire sprinkler systems are a highly effective method of controlling or extinguishing a fire in its early stages, protecting the lives of the building's occupants;

Whereas many college students live in off-campus residences, fraternity and sorority housing, and residence halls that are not adequately protected with automatic fire sprinkler systems and automatic fire alarm systems;

Whereas fire safety education is an effective method of reducing the occurrence of fires and reducing the resulting loss of life and property damage;

Whereas college students do not routinely receive effective fire safety education during their time in college;

Whereas it is vital to educate young people in the United States about the importance of fire safety to help ensure fire-safe behavior by young people during their college years and beyond; and

Whereas, by developing a generation of fire-safe adults, future loss of life from fires may be significantly reduced: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2011 as ''Campus Fire Safety Month''; and

(2) encourages administrators of institutions of higher education and municipalities across the country—

(A) to provide educational programs to all students during September and throughout the school year;

(B) to evaluate the level of fire safety being provided in both on- and off-campus student housing; and

(C) to ensure fire-safe living environments through fire safety education, installation of fire suppression and detection systems, and the development and enforcement of applicable codes relating to fire safety.

SENATE RESOLUTION 105—TO CONDEMN THE DECEMBER 19, 2010, ELECTIONS IN BELARUS, AND TO CALL FOR THE IMMEDIATE RELEASE OF ALL POLITICAL PRISONERS AND FOR NEW ELECTIONS THAT MEET INTERNATIONAL STANDARDS

Mr. DURBIN (for himself, Mr. LIEBERMAN, Mr. MCCAIN, Mr. CARDIN, Mrs. SHAHEEN, Mr. GRAHAM, Mr. KYL, Mr. BARRASSO, Mr. UDALL of Colorado, Mr. KIRK, and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 105

Whereas the people of Belarus have lived under the brutal dictatorship of Alexander Lukashenko for almost 2 decades;

Whereas, under Mr. Lukashenko's rule, Belarus—which is known as ''the last dictatorship of Europe''—has defied the post-Soviet democratic transformation that swept eastern and central Europe by maintaining an abhorrent human and political rights record and denying its citizens fundamental freedoms;

Whereas, according to the United States Department of State 2009 Human Rights Country Report on Belarus, elections in Belarus are consistently unfair and undemocratic; politically motivated arrests and detentions are ongoing; Belarus' judiciary is not independent; beatings, poor treatment, and disease are widespread in prisons in Belarus, where detainees lack access to food, proper clothing, and medical treatment; and the Government of Belarus has severely and systematically restricted basic freedoms of press, speech, assembly, association, and religion;

Whereas Mr. Lukashenko had an opportunity to move Belarus closer to the community of democracies by holding free and fair presidential elections on December 19, 2010, and allowing for multiple opposition candidates to run for president;

Whereas the Lukashenko regime squandered this opportunity for the people of Belarus by orchestrating a fraudulent election that failed to meet minimal international standards;

Whereas, following the elections, the Lukashenko regime arrested 5 of the 6 opposition presidential candidates, severely beating one candidate, Uladzimir Niakliayeu, and arbitrarily beating many of the thousands of Belarusians who were peacefully protesting the stolen election in the largest public demonstration the country had seen in over 5 years;

Whereas, during the course of election day and its aftermath, Lukashenko's security forces, the State Security Agency (KGB), detained or arrested over 600 additional people, including journalists, civil society representatives, political activists, and ordinary Belarusians who were peacefully seeking to exercise their fundamental human rights to free assembly and expression;

Whereas the Organization for Security and Cooperation in Europe's Election Observation Mission, which monitored the election in Belarus, issued a statement of preliminary findings and conclusions on December 20, 2010, that criticized the election's campaign environment as ''characterized by the lack of a level-playing field'' and reported that international observers assessed the vote count as ''non-transparent'' and ''bad or very bad in almost half of all observed polling stations'';

Whereas, according to Organization for Security and Cooperation in Europe observers, prominent international websites, including Gmail and Hotmail, and Belarusian websites including Charter97.org, euroradio.by, gazetaby.com, and zapraudu.info were rendered inaccessible on election day;

Whereas, on February 22, 2011, the Organization for Security and Cooperation in Europe stated in its final report on the December 19, 2010, election that the final vote count was ''flawed and lacked transparency'';

Whereas Department of State spokesperson Philip J. Crowley said on December 20, 2010, ''We cannot consider the election results as legitimate.'';

Whereas, on December 20, 2010, the Obama Administration called for the release of all detained presidential candidates and protestors arrested around the election and strongly condemned the violence used by the Lukashenko regime to ''undermine the democratic process'';

Whereas on December 23, 2010, Secretary of State Hillary Clinton and European Union High Representative for Foreign Affairs and Security Policy Catherine Ashton strongly condemned the Lukashenko regime's disproportionate use of violence and called for ''the immediate release of the presidential candidates and the over 600 demonstrators who have been taken into custody in the wake of the presidential elections in Belarus'';

Whereas the heads of the foreign affairs committees of the German and Polish parliaments issued a joint statement on December 31, 2010, stating that the presidential election in Belarus showed ''a complete lack of respect for European values and standards'';

Whereas, on January 20, 2011, the European Parliament adopted a resolution that condemns the December 19, 2010, elections in Belarus and their violent aftermath; demands the immediate and unconditional release of political prisoners; and calls for ''new elections to be held'' in Belarus under ''free and democratic conditions'' and ''according to OSCE standards'';

Whereas, on December 31, 2010, the Government of Belarus refused to extend the mandate of the Organization for Security and Cooperation in Europe office in Minsk, thereby shuttering the democratic institution building efforts of the Organization for Security and Cooperation in Europe in Belarus;

Whereas, on January 4, 2011, Department of State spokesperson Philip J. Crowley and Darren Ennis, Spokesperson for European Union High Representative Catherine Ashton, issued a joint statement expressing regret over the closure of the Organization for Security and Cooperation in Europe Office in Belarus and calling on authorities in Belarus ''to fulfill their commitments to the OSCE by reforming the election process and providing greater respect for human rights'';

Whereas the Belarusian KGB continues to detain at least 32 political opposition leaders and activists associated with the December 19, 2010, elections who face dubious charges that carry prison sentences up to 15 years;

Whereas, on February 28, 2011, Ales Mikhalevich, a presidential candidate who was arrested following the December 19, 2010, elections and released on January 19, 2011, issued a statement detailing the abuse and torture that he endured during his 2-month detention by the Belarusian KGB, in violation of existing Belarusian laws as well as international agreements, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, to which Belarus has been a signatory since December 1985;

Whereas families of presidential candidates and political opposition leaders and their lawyers face continued harassment and intimidation by Lukashenko's KGB, including repeated interrogations, raids, pressure, and threats of dismissal from places of employment and schools;

Whereas the detained presidential candidates and political opposition leaders are being denied regular access to family, lawyers, medical treatment, and open legal proceedings;

Whereas authorities in Belarus continue to carry out searches and seizures across the country, including the offices and homes of journalists, political activists, civil society representatives, former presidential candidates and their advisers, and ordinary Belarusians with tenuous connections to members of the political opposition;

Whereas, according to the Stockholm International Peace Research Institute, an internationally reputable source on global arms trade, the Lukashenko regime delivered a shipment of military equipment to the Qaddafi regime in Libya in February 2011, just before Qaddafi prepared to initiate the widely condemned bloody crackdown undertaken against the people of Libya;

Whereas, on January 31, 2011, the United States and the European Union imposed targeted travel and financial sanctions on an expanded list of officials of the Government of Belarus, including Alexander Lukashenko and those helping prop up his regime;

Whereas, on January 31, 2011, the United States Government also restricted economic transactions with Lakokraska OAO and Polotsk Steklovolokno OAO, 2 subsidiaries of Belarus's largest state-owned petroleum and chemical conglomerate, Belneftekhim;

Whereas, on February 2, 2011, the United States Government pledged to supplement its democracy assistance to Belarus by $4,000,000 in fiscal year 2011;

Whereas, on March 2, 2011, Lukashenko's regime sentenced 3 of the political detainees, Alyaksandr Atroshchankau, Zmitster Novik, and Alyaksandr Malchanau, to between 3 and 4 years in a top-security prison;

Whereas on March 4, 2011, Department of State Spokesman P.J. Crowley said, ''The United States remains gravely concerned over the continuing post-election crackdown by the Government of Belarus on civil society, independent media, and the political opposition. Through its ongoing detentions, trials, and harsh prison sentences, the government is creating new political prisoners. We urge the unconditional release of those detained in the crackdown without trials, and the creation of space for the free expression of political views, the development of civil society, and the ability of citizens to expand their contact with open societies.''; and

Whereas Congress passed the Belarus Democracy Act of 2004 (Public Law 108–347) and the Belarus Democracy Reauthorization Act of 2006 (Public Law 109–480) as expressions of support consistent with these aims: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the December 19, 2010, election in Belarus as illegitimate, fraudulent, and not representative of the will or the aspirations of the voters in Belarus, and joins the European Parliament in calling for new elections to be held in Belarus that meet international standards;

(2) condemns the beating, arrest, fining, and imprisonment of presidential candidates, opposition leaders, and activists by Alexander Lukashenko's KGB in the wake of the December 19, 2010, election;

(3) condemns the Lukashenko regime's systematic efforts to prevent freedom of expression and association in Belarus, including its efforts to censor the Internet and stifle freedom of the press;

(4) stands in solidarity with the people of Belarus, those political prisoners being unjustly detained, and those who continue to fight for peaceful democratic change and their fundamental human rights in Belarus;

(5) applauds the pledges of the United States Government and the European Union to impose targeted sanctions, including visa bans and asset freezes, on Belarusian officials and their associates responsible for the recent crackdown and human rights abuses against the people of Belarus;

(6) applauds the decisions of the United States Government, the European Union, and other democratic allies to expand assistance to civil society in Belarus;

(7) calls on the Lukashenko regime—

(A) to immediately and unconditionally release all political prisoners in Belarus who were arrested in association with the December 19, 2010, election, including 3 presidential candidates, Andrei Sannikov, Nikolai

Statkevich, and Uladzimir Nyaklyaeu, who are still in prison or under house arrest;

(B) to immediately cease the harassment of the families, friends, and lawyers of political prisoners in Belarus;

(C) to authorize the extension of the mandate of the Organization for Security and Cooperation in Europe Office in Belarus;

(D) to hold new presidential and parliamentary elections in Belarus that are free, fair, inclusive, and meet international standards; and

(E) to meet its international obligations and cease any illegal efforts related to the provision of arms to rogue regimes;

(8) urges the President and the Secretary of State—

(A) to continue to closely coordinate United States and European Union policies towards Belarus;

(B) to resume direct technical and material support to the opposition and civil society in Belarus, including political parties, civic groups, and independent media outlets;

(C) to ensure that the United States list includes any other officials of the Government of Belarus responsible for the crackdown following the December 19, 2010, election in Belarus, associated human rights abuses, and the continued detention, prosecution, and mistreatment of all political prisoners, and to impose targeted sanctions on those individuals and their family members where warranted; and

(D) to identify any other entities that enrich Mr. Lukashenko and his regime at the expense of the people of Belarus and prohibit business with and freeze the assets of such entities;

(9) urges the European Union—

(A) to join the United States in prohibiting business with, and freezing the assets of, the Belarusian state-owned oil and petrochemicals company Belneftekhim and its subsidiaries Lakokraska OAO and Polotsk Steklovolokno OAO, as well as other entities that enrich Mr. Lukashenko and his regime at the expense of the people of Belarus;

(B) to cut all European projects linked to the authorities in Belarus responsible for the crackdown and associated human rights abuses and to exclude officials of the Government of Belarus from meetings under the European Union's Eastern Partnership policy—including the planned European Union summit with post-Soviet countries scheduled to take place in Budapest in May 2011—but to ensure that this suspension not apply to nongovernmental and civil society organizations in Belarus;

(C) to ensure that the European Union list includes any other officials of the Government of Belarus responsible for the crackdown following the December 19, 2010, election in Belarus, associated human rights abuses, and the continued detention, prosecution, and mistreatment of political prisoners, and to impose targeted sanctions on those officials and their family members where warranted; and

(D) to increase support to the opposition and civil society in Belarus, including political parties, civic groups, and independent media outlets;

(10) calls on other members of the international community, including Russia, to take similar targeted actions against the leaders of the Government of Belarus;

(11) calls on the Government of Lithuania, as chair of the Organization for Security and Cooperation in Europe for 2011, to make the reestablishment of the Organization for Security and Cooperation in Europe Office in Belarus one of its chief priorities for its tenure; and

(12) calls on the International Ice Hockey Federation to suspend its 2014 International World Ice Hockey championship to be hosted in Minsk, Belarus until all political prisoners in Belarus are released.

SENATE RESOLUTION 106—RECOGNIZING THE 100TH ANNIVERSARY OF THE TRIANGLE SHIRTWAIST COMPANY FIRE IN NEW YORK CITY ON MARCH 25, 1911, AND DESIGNATING THE WEEK OF MARCH 21, 2011, THROUGH MARCH 25, 2011, AS THE ''100TH ANNIVERSARY OF THE TRIANGLE SHIRTWAIST FACTORY FIRE REMEMBRANCE WEEK''

Mrs. GILLIBRAND (for herself, Mr. SCHUMER, and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 106

Whereas the Triangle Shirtwaist Company fire was the deadliest industrial disaster in the City of New York's history and resulted in the 4th greatest loss of life from an industrial accident in the history of the United States, claiming the lives of 146 garment workers, many of whom were young immigrants;

Whereas this human catastrophe exposed the need to strengthen labor laws, fire regulations, and health and safety protections for workers;

Whereas the Triangle Shirtwaist Company fire helped spur the growth of the modern-day organized labor movement, particularly the International Ladies' Garment Workers' Union, which continued to fight for better conditions for sweatshop workers;

Whereas from the ashes of this horrific event emerged the modern celebration of International Women's Day, and the death of 129 women workers in the Triangle Shirtwaist Company fire demonstrated the need for workers' rights and women's rights;

Whereas more than 5,000 workers lose their lives each year on the job, and protecting the health and safety of workers continues to be a critical issue in the United States today; and

Whereas national events will be held to remember the victims of the Triangle Shirtwaist Company fire, and to educate citizens about the important role this tragic event played in the history of the United States: Now, therefore, be it

Resolved, That the Senate designates the week of March 21, 2011 through March 25, 2011 as the ''100th Anniversary of the Triangle Shirtwaist Factory Fire Remembrance Week''.

SENATE RESOLUTION 107—DESIGNATING APRIL 4, 2011, AS ''NATIONAL ASSOCIATION OF JUNIOR AUXILIARIES DAY''

Mr. WICKER (for himself and Mr. PRYOR) submitted the following resolution; which was considered and agreed to:

S. RES. 107

Whereas the National Association of Junior Auxiliaries and the members of the National Association of Junior Auxiliaries provide valuable service and leadership opportunities for women who wish to take an active role in their communities;

Whereas the mission of the National Association of Junior Auxiliaries is to encourage member chapters to render charitable services that—

(1) are beneficial to the general public; and

(2) place a particular emphasis on providing for the needs of children; and

Whereas since the founding of the National Association of Junior Auxiliaries in 1941, the organization has provided strength and inspiration to women who want to effect positive change in their communities: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 4, 2011, as ''National Association of Junior Auxiliaries Day'';

(2) recognizes the great contributions made by members of the National Association of Junior Auxiliaries to their communities and to the people of the United States; and

(3) especially commends the work of the members of the National Association of Junior Auxiliaries to better the lives of children in the United States.

SENATE RESOLUTION 108—EXPRESSING THE SENSE OF THE SENATE ON THE IMPORTANCE OF STRENGTHENING INVESTMENT RELATIONS BETWEEN THE UNITED STATES AND BRAZIL

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 108

Whereas President Barack Obama is set to visit Brazil on March 19 and 20, 2011, during a 5 day trip which will include stops in Chile (March 21), and El Salvador (March 22);

Whereas the United States and Brazil enjoy longstanding economic relations sustained by trade and investment;

Whereas investment in and by Brazil promotes economic growth, generates greater wealth and employment, strengthens the manufacturing and services sectors, and enhances research, technology, and productivity in the United States and Brazil;

Whereas the United States is the largest direct investor abroad, with total world-wide investments of $3,508,000,000,000 in 2009;

Whereas the United States has historically been the largest direct investor in Brazil, investing a total of $56,692,000,000 in 2009;

Whereas the sound economic policy of the Government of Brazil was given an investment-grade rating by the 3 major investment rating agencies in 2009;

Whereas the United States is the largest recipient of direct investment in the world, with total foreign direct investments of $2,320,000,000,000 in 2009;

Whereas the United States received direct investment from Brazil, including a total of $1,400,000,000 in 2007 and a reduction of that amount by $647,000,000 in 2009;

Whereas Brazil is the only country with a gross national product of more than $1,000,000,000,000 with which the United States does not have a bilateral tax treaty;

Whereas Brazil is the 4th largest investor in United States Treasury securities, which are important to the health of the United States economy;

Whereas Brazil ranked 7th among other countries in the number of corporations listed on the New York Stock Exchange in 2009, with 35 corporations listed;

Whereas a bilateral tax treaty between the United States and Brazil would enhance the partnerships between investors in the United States and Brazil and benefit small- and medium-sized enterprises in both the United States and Brazil;

Whereas a bilateral tax treaty between Brazil and the United States would promote a greater flow of investment between Brazil and the United States by creating the certainty that comes with a commitment to reduce taxation and eliminate double taxation;

Whereas the Brazil-United States Business Council and the United States-Brazil CEO

Forum have worked to advance a bilateral tax treaty between the United States and Brazil;

Whereas the Senate intends to closely monitor the progress on treaty negotiations and hold a periodic dialogue with officers of the Department of the Treasury; and

Whereas the United States and Brazil will greatly benefit from deeper political and economic relations: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Government and the Government of Brazil should continue to develop their relationship; and

(2) during the President's March 19 and 20, 2011, visit to Brazil, he should propose to his Brazilian counterpart that the United States and Brazil begin negotiations for a bilateral tax treaty that—

(A) is consistent with the existing tax treaty practices of the United States Government; and

(B) reflects modern, internationally recognized tax policy principles.

AMENDMENTS SUBMITTED AND PROPOSED

SA 244. Ms. LANDRIEU proposed an amendment to amendment SA 183 proposed by Mr. MCCONNELL to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes.

SA 245. Mr. KIRK (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 246. Mr. HATCH (for himself and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 247. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 248. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 249. Mrs. FEINSTEIN (for herself, Ms. COLLINS, and Mr. WEBB) submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 244. Ms. LANDRIEU proposed an amendment to amendment SA 183 proposed by Mr. MCCONNELL to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; as follows:

At the end, insert the following:

The provisions of this title shall become effective 5 days after enactment.

SA 245. Mr. KIRK (for himself and Mr. VITTER) 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—REDUCING THE PAPERWORK BURDEN ON SMALL BUSINESSES

SEC. 601. REDUCTION OF REGULATORY BURDEN.

(a) IN GENERAL.—The Administrator, acting through the Chief Counsel for Advocacy of the Administration, may provide such support as may be necessary to a Federal agency or department during the rulemaking process to ensure that a small business concern is not required to expend more than a total of 200 man-hours annually on applications, filings, petitions, or other paperwork submitted the Federal agency or department.

(b) COMMONLY REQUIRED INFORMATION FORM.—The Administrator shall establish a form on the public Internet website of the Administrator that a small business concern may use to provide to the Administrator information that the Administrator determines to be frequently required as part of any application, filing, petition, or other paperwork described in subsection (a). The Administrator may use information provided by a small business concern using the form established under this subsection to assist the small business concern in the expedited completion of an application, filing, petition, or other paperwork described in subsection (a).

(c) GAO REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of each regulation of each Federal agency or department to determine the burden that the regulation imposes on small business concerns.

(2) SUBMISSION OF REPORT.—The Comptroller General shall submit a report on the study conducted under paragraph (1) to the Administrator not later 270 days after the date of enactment of this Act.

(d) SBA RECOMMENDATIONS.—Not later than 180 days after receiving the report under subsection (c)(2), the Administrator shall publish and maintain on the public Internet website of the Administrator recommendations on how to reduce the burden each regulation of each Federal agency or department imposes on small business concerns.

(e) REDUCTION OF PAPERWORK.—In carrying out any program under the Small Business Act (15 U.S.C. 631 et seq.) or the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.), the Administrator, acting through the Chief Counsel for Advocacy of the Administration, shall take any actions the Administrator determines appropriate to reduce the amount of paperwork (including any application, filing, or petition) that a small business concern may be required to complete by any Federal department or agency. Such actions shall include providing for the replacement of paperwork requirements with electronic or telephone filing requirements or reporting requirements.

SEC. 602. SUSPENSION OF FINES FOR FIRST-TIME PAPERWORK VIOLATIONS BY SMALL BUSINESS CONCERNS.

Section 3506 of title 44, United States Code (commonly referred to as the ''Paperwork Reduction Act''), is amended by adding at the end the following:

''(j)(1) In this subsection, the term 'small business concern' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

''(2) In the case of a first-time violation by a small business concern of a requirement regarding the collection of information by an agency, the head of the agency may not impose a civil fine on the small business concern unless the head of the agency determines that—

''(A) the violation has the potential to cause serious harm to the public interest;

''(B) failure to impose a civil fine would impede or interfere with the detection of criminal activity;

''(C) the violation is a violation of an internal revenue law or a law concerning the assessment or collection of any tax, debt, revenue, or receipt;

''(D) the small business concern did not correct the violation on or before the date that is 180 days after the date on which the small business concern received notification of the violation in writing from the agency; or

''(E) except as provided in paragraph (3), the violation presents a danger to the public health or safety.

''(3)(A) If the head of an agency determines under paragraph (2)(E) that a violation presents a danger to the public health or safety, the head of the agency may determine not to impose a civil fine on the small business concern if the small business concern corrects the violation not later than 24 hours after receipt by the small business concern of notification of the violation in writing.

''(B) In determining whether to allow a small business concern 24 hours to correct a violation under subparagraph (A), the head of an agency shall take into account all the facts and circumstances regarding the violation, including—

''(i) the nature and seriousness of the violation, including whether the violation is technical or inadvertent or involves willful or criminal conduct;

''(ii) whether the small business concern has made a good faith effort to comply with applicable laws and to remedy the violation within the shortest practicable period of time; and

''(iii) whether the small business concern has obtained a significant economic benefit from the violation.

''(C) If the head of an agency imposes a civil fine on a small business concern for a violation that presents a danger to the public health or safety and does not allow the small business concern 24 hours to correct the violation under subparagraph (A), the head of the agency shall notify Congress regarding the determination not later than 60 days after the date on which the agency imposes the civil fine.

''(4) For purposes of determining whether a violation by a small business concern of a requirement regarding collection of information is a first time violation, the head of an agency may not take into account a violation of a requirement regarding collection of information by another agency.''.

SA 246. Mr. HATCH (for himself and Mr. UDALL of Colorado) 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, insert the following:

TITLE ___—COMMITTEE TO REDUCE GOVERNMENT WASTE

SEC. 01. ESTABLISHMENT.

There shall be a Senate committee known as the Committee to Reduce Government Waste (referred to in this title as the ''Committee'').

SEC. 02. MEMBERSHIP.

(a) COMPOSITION.—The Committee shall be composed of 12 members as follows:

(1) Four members from the Committee on Finance, 2 selected by the majority leader and 2 selected by the minority leader.

(2) Four members from the Committee on Appropriations, 2 selected by the majority leader and 2 selected by the minority leader.

(3) Four members from the Committee on the Budget, 2 selected by the majority leader and 2 selected by the minority leader.

(b) TENURE OF OFFICE.—

(1) PERIOD OF APPOINTMENT.—Members shall be appointed for a period of not to exceed 6 years.

(2) EXCEPTIONS.—No person shall continue to serve as a member of the Committee after

the person has ceased to be a member of the Committee from which the member was chosen.

(c) VACANCIES.—Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) CHAIRMAN AND VICE CHAIRMAN.—The Committee shall select a Chairman and Vice Chairman from among its members.

(e) QUORUM.—A majority of the members of the Committee shall constitute a quorum, but a lesser number of members may hold hearings. The powers conferred upon them by section 4 may be exercised by a majority vote.

SEC. 03. DUTIES.

(a) IN GENERAL.—The Committee shall have the following duties:

(1) STUDY.—The Committee shall—

(A) research, review, and study Federal programs that are underperforming or nonessential; and

(B) determine which Federal programs should be modified or eliminated.

(2) RECOMMEND.—The Committee shall develop recommendations to the Senate for action designed to modify or eliminate underperforming or nonessential Federal programs.

(3) REPORT AND LEGISLATION.—The Committee shall submit to the Senate—

(A) at least once a year, reports including—

(i) a detailed statement of the findings and conclusions of the Committee; and

(ii) a list of underperforming or nonessential Federal programs; and

(B) such legislation and administrative actions as it considers appropriate.

(b) CONSIDERATION OF LEGISLATION.—Any legislation submitted to the Senate by the Committee shall be considered under the provisions of section 310 of the Congressional Budget Act of 1974 (2 U.S.C. 641).

SEC. 04. POWERS.

(a) HEARINGS.—The Committee or, at its direction, any subcommittee or member of the Committee, may, for the purpose of carrying out the provisions of section 03—

(1) sit and act, at any time, during the sessions, recesses, and adjourned periods of Congress;

(2) require as the Committee considers necessary, by subpoena or otherwise, the attendance of witnesses and the production of books, papers, and documents;

(3) administer oaths and take testimony; and

(4) procure necessary printing and binding.

(b) WITNESS ALLOWANCES AND FEES.—The provisions of section 1821 of title 28, United States Code, shall apply to witnesses requested to appear at any hearing of the Committee. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Committee.

(c) EXPENDITURES.—The Committee, or any subcommittee thereof, is authorized to make such expenditures as it deems advisable.

SEC. 05. APPOINTMENT AND COMPENSATION OF STAFF.

Except as otherwise provided by law, the Committee shall have power to appoint and fix the compensation of the Chief of Staff of the Committee and such experts and clerical, stenographic, and other assistants as it deems advisable.

SEC. 06. PAYMENT OF EXPENSES.

The expenses of the Committee shall be paid from the contingent fund of the Senate.

SA 247. Mr. HATCH 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:

SEC. _____. MAXIMUM PURCHASE LIMIT UNDER THE SMALL BUSINESS LENDING FUND PROGRAM; TRANSFER OF FUNDS.

(a) MAXIMUM PURCHASE LIMIT.—Section 4103(a)(2) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended by striking ''$30,000,000,000'' and inserting ''$20,000,000,000''.

(b) TRANSFER OF AMOUNTS IN FUND.—Section 4108 of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended by adding at the end the following:

''(c) TRANSFER OF AMOUNTS.—On the date of enactment of the SBIR/STTR Reauthorization Act of 2011, the Secretary shall transfer $10,000,000,000 from the Fund to the general fund of the Treasury for reduction of the public debt.''.

SA 248. Ms COLLINS submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _ REFERENCES.

Except as expressly provided otherwise, any reference to ''this Act'' contained in division A of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2011

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2011, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $41,042,653,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $25,912,449,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $13,210,161,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $27,105,755,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,333,165,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,940,191,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $612,191,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other

duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,650,797,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $7,511,296,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,060,098,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $33,306,117,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $14,804,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $37,809,239,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $5,539,740,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $36,062,989,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $30,210,810,000: *Provided*, That not more than $50,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than $31,659,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $8,251,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,840,427,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,344,264,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $275,484,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,291,027,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $6,454,624,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $5,963,839,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $14,068,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $464,581,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $304,867,000, to remain available until transferred: *Provided*, That the Secretary of the

Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $502,653,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $10,744,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $316,546,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $108,032,000, to remain available until September 30, 2012.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $522,512,000, to remain available until September 30, 2013: *Provided*, That of the amounts provided under this heading, not less than $13,500,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East and North.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, $217,561,000.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $5,752,291,000, to remain available for obligation until September 30, 2013.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,570,108,000, to remain available for obligation until September 30, 2013.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,461,086,000, to remain available for obligation until September 30, 2013.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,847,066,000, to remain available for obligation until September 30, 2013.

OTHER PROCUREMENT, ARMY

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $8,145,665,000, to remain available for obligation until September 30, 2013: *Provided*, That of the funds made available in this paragraph, $15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of the Army, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein,

may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $16,665,868,000, to remain available for obligation until September 30, 2013.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,221,957,000, to remain available for obligation until September 30, 2013.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $790,527,000, to remain available for obligation until September 30, 2013.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, $1,731,256,000.

Carrier Replacement Program (AP), $908,313,000.

NSSN, $3,441,452,000.

NSSN (AP), $1,691,236,000.

CVN Refueling, $1,255,799,000.

CVN Refuelings (AP), $408,037,000.

DDG–1000 Program, $186,312,000.

DDG–51 Destroyer, $2,922,190,000.

DDG–51 Destroyer (AP), $47,984,000.

Littoral Combat Ship, $1,230,984,000.

Littoral Combat Ship (AP), $190,351,000.

LHA–R, $942,837,000.

Joint High Speed Vessel, $180,703,000.

Oceanographic Ships, $88,561,000.

LCAC Service Life Extension Program, $83,035,000.

Service Craft, $13,770,000.

For outfitting, post delivery, conversions, and first destination transportation, $306,640,000.

In all: $15,724,520,000, to remain available for obligation until September 30, 2015: *Provided*, That additional obligations may be incurred after September 30, 2015, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

(INCLUDING TRANSFER OF FUNDS)

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of seven vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,804,963,000, to remain available for obligation until September 30, 2013: *Provided*, That of the funds made available in this paragraph, $15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of the Navy, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,236,436,000, to remain available for obligation until September 30, 2013.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $14,971,267,000, to remain available for obligation until September 30, 2013: *Provided*, That none of the funds provided in this Act for modification of C–17 aircraft, Global Hawk Unmanned Aerial Vehicle and F–22 aircraft may be obligated until all C–17, Global Hawk and F–22 contracts funded with prior year ''Aircraft Procurement, Air Force'' appropriated funds are definitized unless the Secretary of the Air Force certifies in writing to the congressional defense committees that each such obligation is necessary to meet the needs of a warfighting requirement or prevents increased costs to the taxpayer, and provides the reasons for failing to definitize the prior year contracts along with the prospective contract definitization schedule: *Provided further*, That the Secretary of the Air Force shall expand the current HH–60 Operational Loss Replacement program to meet the approved HH–60 Recapitalization program requirements.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $5,424,764,000, to remain available for obligation until September 30, 2013.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $731,487,000, to remain available for obligation until September 30, 2013.

OTHER PROCUREMENT, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of two vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $17,568,091,000, to remain available for obligation until September 30, 2013: *Provided*, That of the funds made available in this paragraph, $15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of the Air Force, and that funds so transferred shall be available for the same

purposes and the same time period as the account to which transferred.

PROCUREMENT, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $4,199,041,000, to remain available for obligation until September 30, 2013: *Provided,* That of the funds made available in this paragraph, $15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of Defense, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $34,346,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $9,710,998,000, to remain available for obligation until September 30, 2012.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,961,303,000 (reduced by $225,000,000), to remain available for obligation until September 30, 2012: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $26,742,405,000 (reduced by $225,000,000), to remain available for obligation until September 30, 2012.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,797,412,000, to remain available for obligation until September 30, 2012: *Provided*, That of the funds made available in this paragraph, $3,200,000 shall only be available for program management and oversight of innovative research and development.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $194,910,000, to remain available for obligation until September 30, 2012.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,434,536,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,474,866,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $31,382,198,000; of which $29,671,764,000 shall be for operation and maintenance, of which not to exceed 1 percent shall remain available until September 30, 2012, and of which up to $16,212,121,000 may be available for contracts entered into under the TRICARE program; of which $534,921,000, to remain available for obligation until September 30, 2013, shall be for procurement; and of which $1,175,513,000, to remain available for obligation until September 30, 2012, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $10,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,467,307,000, of which $1,067,364,000 shall be for operation and maintenance, of which no less than $111,178,000, shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $35,130,000 for activities on military installations and $76,048,000, to remain available until September 30, 2012, to assist State and local governments; $7,132,000 shall be for procurement, to remain available until September 30, 2013; and $392,811,000, to remain available until September 30, 2012, shall be for research, development, test and evaluation, of which $385,868,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $1,156,957,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $306,794,000, of which $305,794,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 2013, shall be for procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $292,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $649,732,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That, in the case of a host nation that does not provide salary increases on an annual basis, any increase granted by that nation shall be annualized for the purpose of applying the preceding proviso: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2011: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled ''Explanation of Project Level Adjustments'' in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2011: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8008. The Secretaries of the Air Force and the Army are authorized, using funds available under the headings ''Operation and Maintenance, Air Force'' and ''Operation and Maintenance, Army'', to complete facility conversions and phased repair projects which may include upgrades and additions to Alaskan range infrastructure and training areas, and improved access to these ranges.

(TRANSFER OF FUNDS)

SEC. 8009. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8010. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8011. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

Navy MH–60R/S Helicopter Systems.

SEC. 8012. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated

pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8013. (a) During fiscal year 2011, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2012 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2012 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2012.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8014. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8015. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

SEC. 8016. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (section 8503 of title 41, United States Code);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8017. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8018. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term ''manufactured'' shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8020. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8021. In addition to the funds provided elsewhere in this Act, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8022. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8023. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000

for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8024. (a) Of the funds made available in this Act, not less than $30,374,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $27,048,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $2,424,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $902,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8025. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2011 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2011, not more than 5,750 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2012 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $125,000,000.

SEC. 8026. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8027. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8028. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8029. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2011. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means chapter 83 of title 41, United States Code.

SEC. 8030. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8031. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8032. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8033. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2012 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2012 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2012 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for

obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2012: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2012.

SEC. 8035. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8036. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8037. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means chapter 83 of title 41, United States Code.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8038. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8039. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program;

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats; or

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense.

SEC. 8040. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' to make grants and supplement other Federal funds in accordance with the guidance provided in the explanatory statement regarding this Act.

(RESCISSIONS)

SEC. 8041. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2009/2011'', $86,300,000.

''Other Procurement, Army, 2009/2011'', $147,600,000.

''Aircraft Procurement, Navy, 2009/2011'', $26,100,000.

''Aircraft Procurement, Air Force, 2009/2011'', $116,900,000.

''Aircraft Procurement, Army, 2010/2012'', $14,000,000.

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2010/2012'', $36,000,000.

''Missile Procurement, Army, 2010/2012'', $9,171,000.

''Aircraft Procurement, Navy, 2010/2012'', $184,847,000.

''Procurement of Ammunition, Navy and Marine Corps, 2010/2012'', $11,576,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 2010/2014'': DDG–51 Destroyer, $22,000,000.

''Other Procurement, Navy, 2010/2012'', $9,042,000.

''Aircraft Procurement, Air Force, 2010/2012'', $151,300,000.

''Other Procurement, Air Force, 2010/2012'', $36,600,000.

''Research, Development, Test and Evaluation, Army, 2010/2011'', $53,500,000.

''Research, Development, Test and Evaluation, Air Force, 2010/2011'', $198,600,000.

''Research, Development, Test and Evaluation, Defense-Wide, 2010/2011'', $10,000,000.

SEC. 8042. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8043. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8044. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8045. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8046. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8047. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8048. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8049. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8050. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8051. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8052. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8053. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8054. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8055. Using funds made available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern and at the Rhine Ordnance Barracks area, such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8056. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8057. None of the funds made available in this Act may be used to approve or license the sale of the F–22A advanced tactical fighter to any foreign government: *Provided*, That the Department of Defense may conduct or participate in studies, research, design and other activities to define and develop a future export version of the F–22A that protects classified and sensitive information, technologies and U.S. warfighting capabilities.

SEC. 8058. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8059. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces or police of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8060. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop,

lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8061. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8062. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8063. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8064. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8065. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8066. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8067. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8068. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8069. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year, and hereafter, may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8070. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Army'', $147,258,300 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8071. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2011.

SEC. 8072. In addition to amounts provided elsewhere in this Act, $4,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the headings ''Procurement, Defense-Wide'' and ''Research, Development, Test and Evaluation, Defense-Wide'', $415,115,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, $205,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats, $84,722,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, $58,966,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and $66,427,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite, of which $12,000,000 shall be for producing Arrow missile components in the United States and Arrow missile components in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8074. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8075. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Social Workers, Othotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapists, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, and Dental Hygienists:

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code, shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code, shall not apply.

SEC. 8076. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2011 until the enactment of the Intelligence Authorization Act for Fiscal Year 2011.

SEC. 8077. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8078. The budget of the President for fiscal year 2012 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8079. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8080. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $65,200,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make grants in the amounts specified as follows: $20,000,000 to the United Service Organizations; $24,000,000 to the Red Cross; $1,200,000 to the Special Olympics; and $20,000,000 to the Youth Mentoring Grants Program: *Provided further*, That funds available in this section for the Youth Mentoring Grants Program may be available for transfer to the Department of Justice Youth Mentoring Grants Program.

SEC. 8081. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the nonhurricane season.

SEC. 8082. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8083. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8084. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: *Provided further*, That any funds transferred pursuant to this section shall retain the same period of availability as when originally appropriated: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8085. For purposes of section 7108 of title 41, United States Code, any subdivision of appropriations made under the heading ''Shipbuilding and Conversion, Navy'' that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in the current fiscal year or any prior fiscal year.

SEC. 8086. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ–1C Sky Warrior Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8087. Of the funds provided in this Act, $7,080,000 shall be available for the operations and development of training and technology for the Joint Interagency Training and Education Center and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other Federal agencies, and State and local first responder personnel at the Joint Interagency Training and Education Center.

SEC. 8088. Notwithstanding any other provision of law or regulation, during the current fiscal year and hereafter, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8089. Up to $15,000,000 of the funds appropriated under the heading ''Operation and Maintenance, Navy'' may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8090. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2012.

SEC. 8091. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8092. Notwithstanding any other provision of law, not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8093. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books:

(1) For procurement programs requesting more than $20,000,000 in any fiscal year, the P–1, Procurement Program; P–5, Cost Analysis; P–5a, Procurement History and Planning; P–21, Production Schedule; and P–40, Budget Item Justification.

(2) For research, development, test and evaluation projects requesting more than $10,000,000 in any fiscal year, the R–1, RDT&E Program; R–2, RDT&E Budget Item Justification; R–3, RDT&E Project Cost Analysis; and R–4, RDT&E Program Schedule Profile.

SEC. 8094. The Secretary of Defense shall create a major force program category for space for each future-years defense program of the Department of Defense submitted to Congress under section 221 of title 10, United States Code, during fiscal year 2011. The Secretary of Defense shall designate an official in the Office of the Secretary of Defense to provide overall supervision of the preparation and justification of program recommendations and budget proposals to be included in such major force program category.

SEC. 8095. (a) Not later than 60 days after enactment of this Act, the Office of the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2011: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's

budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8096. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8097. For the purposes of this Act, the term ''congressional intelligence committees'' means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8098. The Department of Defense shall continue to report incremental contingency operations costs for Operation New Dawn and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 ''Contingency Operations'', Annex 1, dated September 2005.

SEC. 8099. The amounts appropriated in title II of this Act are hereby reduced by $783,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds, as follows: (1) From ''Operation and Maintenance, Army'', $700,000,000; and (2) From ''Operation and Maintenance, Defense-Wide'', $83,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8100. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for ''Operation and Maintenance, Army'', ''Operation and Maintenance, Navy'', and ''Operation and Maintenance, Air Force'' may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8101. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, $24,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: *Provided*, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: *Provided further*, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8102. Funds appropriated by this Act for operation and maintenance may be available for the purpose of making remittances to the Defense Acquisition Workforce Development Fund in accordance with the requirements of section 1705 of title 10, United States Code.

SEC. 8103. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 8104. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of $1,000,000 unless the contractor agrees not to—

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a ''covered subcontractor'' is an entity that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a).

(c) The prohibitions in this section do not apply with respect to a contractor's or subcontractor's agreements with employees or independent contractors that may not be enforced in a court of the United States.

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

(e) By March 1, 2011, or within 60 days after enactment of this Act, whichever is later, the Government Accountability Office shall submit a report to the Congress evaluating the effect that the requirements of this section have had on national security, including recommendations, if any, for changes to these requirements.

SEC. 8105. (a) PROHIBITION ON CONVERSION OF FUNCTIONS PERFORMED BY FEDERAL EMPLOYEES TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act or otherwise available to the Department of Defense may be used to begin or announce the competition to award to a contractor or convert to performance by a contractor any functions performed by Federal employees pursuant to a study conducted under Office of Management and Budget (OMB) Circular A–76.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to the award of a function to a contractor or the conversion of a function to performance by a contractor pursuant to a study conducted under Office of Management and Budget (OMB) Circular A–76 once all reporting and certifications required by section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) have been satisfactorily completed.

SEC. 8106. (a)(1) No National Intelligence Program funds appropriated in this Act may be used for a mission critical or mission essential business management information technology system that is not registered with the Director of National Intelligence. A system shall be considered to be registered with that officer upon the furnishing notice of the system, together with such information concerning the system as the Director of the Business Transformation Office may prescribe.

(2) During the current fiscal year no funds may be obligated or expended for a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a business system improvement of more than $3,000,000, within the Intelligence Community without the approval of the Business Transformation Office, and the designated Intelligence Community functional lead element.

(b) The Director of the Business Transformation Office shall provide the congressional intelligence committees a semi-annual report of approvals under paragraph (1) no later than March 30 and September 30 of each year. The report shall include the results of the Business Transformation Investment Review Board's semi-annual activities, and each report shall certify that the following steps have been taken for systems approved under paragraph (1):

(1) Business process reengineering.

(2) An analysis of alternatives and an economic analysis that includes a calculation of the return on investment.

(3) Assurance the system is compatible with the enterprise-wide business architecture.

(4) Performance measures.

(5) An information assurance strategy consistent with the Chief Information Officer of the Intelligence Community.

(c) This section shall not apply to any programmatic or analytic systems or programmatic or analytic system improvements.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8107. Of the funds appropriated in this Act for the Office of the Director of National Intelligence, $50,000,000, may be transferred to appropriations available to the Central Intelligence Agency, the National Security Agency, and the National Geospatial Intelligence Agency, the Defense Intelligence Agency and the National Reconnaissance Office for the Business Transformation Transfer Funds, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8108. In addition to funds made available elsewhere in this Act, there is hereby appropriated $538,875,000, to remain available until transferred: *Provided*, That these funds are appropriated to the ''Tanker Replacement Transfer Fund'' (referred to as ''the Fund'' elsewhere in this section): *Provided further*, That the Secretary of the Air Force may transfer amounts in the Fund to ''Operation and Maintenance, Air Force'', ''Aircraft Procurement, Air Force'', and ''Research, Development, Test and Evaluation, Air Force'', only for the purposes of proceeding with a tanker acquisition program: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriations or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of the Air Force shall, not fewer than 15 days prior to making transfers using funds provided in this section, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8109. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to $132,200,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: *Provided*, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: *Provided further*, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8110. (a) Of the amounts made available in this Act under the heading ''Operation and Maintenance, Navy'', not less than $2,000,000, shall be made available for leveraging the Army's Contractor Manpower Reporting Application, modified as appropriate for Service-specific requirements, for documenting the number of full-time contractor employees (or its equivalent) pursuant to United States Code title 10, section 2330a(c) and meeting the requirements of United States Code title 10, section 2330a(e) and United States Code title 10, section 235.

(b) Of the amounts made available in this Act under the heading ''Operation and Maintenance, Air Force'', not less than $2,000,000 shall be made available for leveraging the Army's Contractor Manpower Reporting Application, modified as appropriate for Service-specific requirements, for documenting the number of full-time contractor employees (or its equivalent) pursuant to United States Code title 10 section 2330a(c) and meeting the requirements of United States Code title 10, section 2330a(e) and United States Code title 10, section 235.

(c) The Secretaries of the Army, Navy, Air Force, and the Directors of the Defense Agencies and Field Activities (in coordination with the appropriate Principal Staff Assistant), in coordination with the Under Secretary of Defense for Personnel and Readiness, shall report to the congressional defense committees within 60 days of enactment of this Act their plan for documenting the number of full-time contractor employees (or its equivalent), as required by United States Code title 10, section 2330a.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8111. In addition to amounts provided elsewhere in this Act, there is appropriated $250,000,000, for an additional amount for ''Operation and Maintenance, Defense-Wide'', to be available until expended: *Provided*, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: *Provided further*, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense.

SEC. 8112. In addition to amounts provided elsewhere in this Act, there is appropriated $300,000,000, for an additional amount for ''Operation and Maintenance, Defense-Wide'', to remain available until expended. Such funds may be available for the Office of Economic Adjustment, notwithstanding any other provision of law, for transportation infrastructure improvements associated with medical facilities related to recommendations of the Defense Base Closure and Realignment Commission.

SEC. 8113. Section 310(b) of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1871) is amended by striking ''1 year'' both places it appears and inserting ''2 years''.

SEC. 8114. The Office of the Director of National Intelligence shall not employ more Senior Executive employees than are specified in the classified annex: *Provided*, That not later than 90 days after enactment of this Act, the Director of National Intelligence shall certify that the Office of the Director of National Intelligence selects individuals for Senior Executive positions in a manner consistent with statutes, regulations, and the requirements of other Federal agencies in making such appointments and will submit its policies and procedures related to the appointment of personnel to Senior Executive positions to the congressional intelligence oversight committees.

SEC. 8115. For all major defense acquisition programs for which the Department of Defense plans to proceed to source selection during the current fiscal year, the Secretary of Defense shall perform an assessment of the winning bidder to determine whether or not the proposed costs are realistic and reasonable with respect to proposed development and production costs. The Secretary of Defense shall provide a report of these assessments, to specifically include whether any cost assessments determined that such proposed costs were unreasonable or unrealistic, to the congressional defense committees not later than 60 days after enactment of this Act and on a quarterly basis thereafter.

SEC. 8116. (a) The Deputy Under Secretary of Defense for Installations and Environment, in collaboration with the Secretary of Energy, shall conduct energy security pilot projects at facilities of the Department of Defense.

(b) In addition to the amounts provided elsewhere in this Act, $20,000,000, is appropriated to the Department of Defense for ''Operation and Maintenance, Defense-Wide'' for energy security pilot projects under subsection (a).

SEC. 8117. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay a retired general or flag officer to serve as a senior mentor advising the Department of Defense unless such retired officer files a Standard Form 278 (or successor form concerning public financial disclosure under part 2634 of title 5, Code of Federal Regulations) to the Office of Government Ethics.

SEC. 8118. Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, the Chief of the Air Force Reserve, and the Director of the National Guard Bureau, in collaboration with the Secretary of Agriculture and the Secretary of the Interior, shall submit to the Committees on Appropriations of the House and Senate, the House Committee on Agriculture, the Senate Committee on Agriculture, Nutrition and Forestry, the House Committee on Natural Resources, and the Senate Committee on Energy and Natural Resources a report of firefighting aviation assets. The report required under this section shall include each of the following:

(1) A description of the programming details necessary to obtain an appropriate mix of fixed wing and rotor wing firefighting assets needed to produce an effective aviation resource base to support the wildland fire management program into the future. Such programming details shall include the acquisition and contracting needs of the mix of aviation resources fleet, including the acquisition of up to 24 C–130Js equipped with the Mobile Airborne Fire Fighting System II (in this section referred to as ''MAFFS''), to be acquired over several fiscal years starting in fiscal year 2012.

(2) The costs associated with acquisition and contracting of the aviation assets described in paragraph (1).

(3) A description of the costs of the operation, maintenance, and sustainment of a fixed and rotor wing aviation fleet, including a C–130J/MAFFS II in an Air National Guard tactical airlift unit construct of 4, 6, or 8 C–130Js per unit starting in fiscal year 2012, projected out through fiscal year 2020. Such description shall include the projected costs associated with each of the following through fiscal year 2020:

(A) Crew ratio based on 4, 6, or 8 C–130J Air National Guard unit construct and requirement for full-time equivalent crews.

(B) Associated maintenance and other support personnel and requirement for full-time equivalent positions.

(C) Yearly flying hour model and the cost for use of a fixed and rotor wing aviation fleet, including C–130J in its MAFFS capacity supporting the United States Forest Service.

(D) Yearly flying hour model and cost for use of a C–130J in its capacity supporting Air National Guard tactical airlift training.

(E) Any other costs required to conduct both the airlift and firefighting missions, including the Air National Guard unit construct for C–130Js.

(4) Proposed program management, utilization, and cost share arrangements for the aircraft described in paragraph (1) for primary support of the Forest Service and secondary support, on an as available basis, for the Department of Defense, together with any proposed statutory language needed to authorize and effectuate the same.

(5) An integrated plan for the Forest Service and the Department of the Interior wildland fire management programs to operate the fire fighting air tanker assets referred to in this section.

SEC. 8119. The explanatory statement regarding this Act, printed in the House of Representatives section of the Congressional Record on or about February 16, 2011, by the Chairman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a Report of the Committee on Appropriations.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $11,468,033,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $1,308,719,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $732,920,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $2,060,442,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $268,031,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $48,912,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $45,437,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $27,002,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $853,022,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $16,860,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $60,587,102,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $8,970,724,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $4,008,022,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $12,989,643,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $9,276,990,000: *Provided*, That each amount in this section is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: *Provided further*, That of the funds provided under this heading:

(1) Not to exceed $12,500,000 for the Combatant Commander Initiative Fund, to be used in support of Operation New Dawn and Operation Enduring Freedom.

(2) Not to exceed $1,600,000,000, to remain available until expended, for payments to reimburse key cooperating nations for logistical, military, and other support, including access provided to United States military operations in support of Operation New Dawn and Operation Enduring Freedom, notwithstanding any other provision of law: *Provided*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the requirement to provide notification shall not apply with respect to a reimbursement for access based on an international agreement: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $206,784,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $93,559,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $29,685,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $203,807,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $497,849,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $417,983,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AFGHANISTAN INFRASTRUCTURE FUND

(INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the United States the ''Afghanistan Infrastructure Fund''. For the ''Afghanistan Infrastructure Fund'', $400,000,000, to remain available until September 30, 2012: *Provided*, That such sums shall be available for infrastructure projects in Afghanistan, notwithstanding any other provision of law, which shall be undertaken by the Secretary of State, unless the Secretary of State and the Secretary of Defense jointly decide that a specific project will be undertaken by the Department of Defense: *Provided further*, That the infrastructure referred to in the preceding proviso is in support of the counterinsurgency strategy, requiring funding for facility and infrastructure projects, including, but not limited to, water, power, and transportation projects and related maintenance and sustainment costs: *Provided further*, That the authority to undertake such infrastructure projects is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That any projects funded by this appropriation shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: *Provided further*, That funds may be transferred to the Department of State for purposes of undertaking projects, which funds shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of Defense to transfer funds: *Provided further*, That any unexpended funds transferred to the Secretary of State under this authority shall be returned to the Afghanistan Infrastructure Fund if the Secretary of State, in coordination with the Secretary of Defense, determines that the project cannot be implemented for any reason, or that the project no longer supports the counterinsurgency strategy in Afghanistan: *Provided further*, That any funds returned to the Secretary of Defense under the previous proviso shall be available for use under this appropriation and shall be treated in the same manner as funds not transferred to the Secretary of State: *Provided further*, That contributions of funds for the purposes provided herein to the Secretary of State in accordance with section 635(d) of the Foreign Assistance Act from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers to or from, or obligations from the Fund, notify the appropriate committees of Congress in writing of the details of any such transfer: *Provided further*, That the ''appropriate committees of Congress'' are the Committees on Armed Services, Foreign Relations and Appropriations of the Senate and the Committees on Armed Services, Foreign Affairs and Appropriations of the House of Representatives: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AFGHANISTAN SECURITY FORCES FUND

For the ''Afghanistan Security Forces Fund'', $11,619,283,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That up to $15,000,000 of these funds may be available for coalition police trainer life support costs: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

IRAQ SECURITY FORCES FUND

For the ''Iraq Security Forces Fund'', $2,000,000,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, United States Forces-Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, and renovation: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $2,222,638,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $343,828,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $896,996,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $369,885,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $6,423,832,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $774,549,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $90,502,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $558,024,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $316,835,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $1,589,119,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $1,499,934,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $56,621,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $292,959,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $2,868,593,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $1,072,779,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons and other procurement for the reserve components of the Armed Forces, $850,000,000, to remain available for obligation until September 30, 2013, of which $250,000,000 shall be available only for the Army National Guard: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the Mine Resistant Ambush Protected Vehicle Fund, $3,415,000,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: *Provided further*, That the Secretary shall transfer such funds only to appropriations made available in this or any other Act for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That such transferred funds shall be merged with and be available for the same purposes and the same time period as the appropriation to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'',

$143,234,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $104,781,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $484,382,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $222,616,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $485,384,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,422,092,000, of which $1,398,092,000 shall be for operation and maintenance, to remain available until September 30, 2011, and of which $24,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $440,510,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised Explosive Device Defeat Fund'', $2,793,768,000, to remain available until September 30, 2013: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the ''Office of the Inspector General'', $10,529,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2011.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $4,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2011.

SEC. 9003. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or the ''Afghanistan Security Forces Fund'' provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan: (a) passenger motor vehicles up to a limit of $75,000 per vehicle; and (b) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed $500,000,000 of the amount appropriated in this title under the heading ''Operation and Maintenance, Army'' may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program (CERP), for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent, small scale, humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided*, That projects (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed $20,000,000: *Provided further*, That not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further*, That, not later than 30 days after the end of each month, the Army shall submit to the congressional defense committees monthly commitment, obligation, and expenditure data for the Commander's Emergency Response Program in Iraq and Afghanistan: *Provided further*, That not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of $5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

(1) The location, nature and purpose of the proposed project, including how the project is intended to advance the military campaign plan for the country in which it is to be carried out.

(2) The budget, implementation timeline with milestones, and completion date for the proposed project, including any other CERP funding that has been or is anticipated to be contributed to the completion of the project.

(3) A plan for the sustainment of the proposed project, including the agreement with either the host nation, a non-Department of Defense agency of the United States Government or a third party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies,

services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9008. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 9009. (a) The Secretary of Defense shall submit to the congressional defense committees not later than 45 days after the end of each fiscal quarter a report on the proposed use of all funds appropriated by this or any prior Act under each of the headings Iraq Security Forces Fund, Afghanistan Security Forces Fund, Afghanistan Infrastructure Fund, and Pakistan Counterinsurgency Fund on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates for the accounts referred to in this section of the costs required to complete each such project.

(b) The report required by this subsection shall include the following:

(1) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in subsection (a) were obligated prior to the submission of the report, including estimates for the accounts referred to in subsection (a) of the costs to complete each project.

(2) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in subsection (a) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates for the accounts referred to in subsection (a) of the costs to complete each project.

(3) An estimated total cost to train and equip the Iraq, Afghanistan, and Pakistan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

SEC. 9010. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided*, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9011. Of the funds appropriated by this Act for the Office of the Director of National Intelligence, $3,375,000 is available, as specified in the classified annex, for transfer to other departments and agencies of the Federal Government.

SEC. 9012. (a) The Task Force for Business and Stability Operations in Afghanistan may, subject to the direction and control of the Secretary of Defense and with the concurrence of the Secretary of State, carry out projects in fiscal year 2011 to assist the commander of the United States Central Command in developing a link between United States military operations in Afghanistan under Operation Enduring Freedom and the economic elements of United States national power in order to reduce violence, enhance stability, and restore economic normalcy in Afghanistan through strategic business and economic opportunities.

(b) The projects carried out under paragraph (a) may include projects that facilitate private investment, industrial development, banking and financial system development, agricultural diversification and revitalization, and energy development in and with respect to Afghanistan.

(c) The Secretary may use up to $150,000,000 of the funds available for overseas contingency operations in ''Operation and Maintenance, Army'' for additional activities to carry out projects under paragraph (a).

SEC. 9013. (a) Not more than 85 percent of the funds provided in this title for Operation and Maintenance may be available for obligation or expenditure until the date on which the Secretary of Defense submits the report under subsection (b).

(b) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on contractor employees in the United States Central Command, including—

(1) the number of employees of a contractor awarded a contract by the Department of Defense (including subcontractor employees) who are employed at the time of the report in the area of operations of the United States Central Command, including a list of the number of such employees in each of Iraq, Afghanistan, and all other areas of operations of the United States Central Command; and

(2) for each fiscal year quarter beginning on the date of the report and ending on September 30, 2012—

(A) the number of such employees planned by the Secretary to be employed during each such period in each of Iraq, Afghanistan, and all other areas of operations of the United States Central Command; and

(B) an explanation of how the number of such employees listed under subparagraph (A) relates to the planned number of military personnel in such locations.

This division may be cited as the ''Department of Defense Appropriations Act, 2011''.

SA 249. Mrs. FEINSTEIN (for herself, Ms. COLLINS, and Mr. WEBB) submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. 504. ETHANOL ELIGIBLE FOR BLENDER INCOME TAX AND FUEL EXCISE TAX CREDITS.

(a) INCOME TAX CREDIT.—Section 40(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) ETHANOL ELIGIBLE FOR CREDIT.—In the case of any sale or use for any period after June 30, 2011, this subsection shall apply only to ethanol which qualifies as an advanced biofuel (as defined in section 211(o)(1)(B) of the Clean Air Act (42 U.S.C. 7545(o)(1)(B))).''.

(b) EXCISE TAX CREDIT.—Section 6426(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) ETHANOL ELIGIBLE FOR CREDIT.—In the case of any sale, use, or removal for any period after June 30, 2011, no credit shall be determined under this subsection with respect to an alcohol fuel mixture in which any of the alcohol consists of ethanol unless the ethanol qualifies as an advanced biofuel (as defined in section 211(o)(1)(B) of the Clean Air Act (42 U.S.C. 7545(o)(1)(B))).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any sale, use, or removal for any period after June 30, 2011.

SEC. 505. ETHANOL TARIFF-TAX PARITY.

Not later than 30 days after the date of the enactment of this Act, and semiannually thereafter, the President shall reduce the temporary duty imposed on ethanol under subheading 9901.00.50 of the Harmonized Tariff Schedule of the United States by an amount equal to the reduction in any Federal income or excise tax credit under section 40(h), 6426(b), or 6427(e)(1) of the Internal Revenue Code of 1986 and take any other action necessary to ensure that the combined temporary duty imposed on ethanol under such subheading 9901.00.50 and any other duty imposed under the Harmonized Tariff Schedule of the United States is equal to, or lower than, any Federal income or excise tax credit applicable to ethanol under the Internal Revenue Code of 1986.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 17, 2011, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, be authorized to meet during the session of the Senate on March 17, 2011, at 10 a.m. to conduct a hearing entitled ''TARP Oversight: Evaluating Returns on Taxpayer Investments.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during

the session of the Senate on March 17, 2011, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the sessions of the Senate on March 17, 2011, at 10 a.m., to hold a hearing entitled ''Popular Uprisings in the Middle East: The implications for U.S. Policy.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Health Insurance Exchanges and Ongoing State Implementation of the Patient Protection and Affordable Care Act'' on March 17, 2011, at 10 a.m., in 430 Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 17, 2011, 3:15 p.m. to conduct a hearing entitled ''Catastrophic Preparedness: How Ready Is FEMA for the Next Big Disaster?''

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

COMMITTEE ON THE JUDICIARY

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on March 17, 2011, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

AT HOC SUBCOMMITTEE ON DISASTER RECOVERY AND INTERGOVERNMENTAL AFFAIRS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery and Intergovernmental Affairs of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 17, 2011, at 10 a.m. to conduct a hearing entitled ''Preventing Improperly Paid Federal Assistance in the Aftermath of Disasters.''

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 17, 2011 at 2:30 p.m.

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

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY AND SUBCOMMITTEE ON GREEN JOBS AND THE NEW ECONOMY

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety and the Subcommittee on Green Jobs and the New Economy of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on March 17, 2011, at 10 a.m. in SD–406.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on March 17, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON SCIENCE AND SPACE

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Subcommittee on Science and Space of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 17, 2011, at 10:30 a.m. in room 253 of the Russell Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Ms. SNOWE. Mr. President, I ask unanimous consent that Jelena McWilliams, a detailee with the Small Business Committee, be granted the privilege of the floor during consideration of this legislation.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 48; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any statements relating to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF DEFENSE

Michael Vickers, of Virginia, to be Under Secretary of Defense for Intelligence.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that on Monday, March 28, at 4:30 p.m., the Senate proceed to executive session to consider Calendar No. 40; that there be 1 hour for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote, without intervening action or debate, on Calendar No. 40; that the motion to reconsider be considered made and laid upon the table; that no further motions be in order; that any statements relating to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

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

RECOGNIZING THE 190TH ANNIVERSARY OF THE INDEPENDENCE OF GREECE

Mr. REID. Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 51 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 51) recognizing the 190th anniversary of the independence of Greece and celebrating Greek and American democracy.

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

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

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

The resolution (S. Res. 51) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 51

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States, many of whom read Greek political philosophy in the original Greek, drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that ''it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you'';

Whereas the Greek national anthem, the ''Hymn to Liberty'', includes the words, ''Most heartily was gladdened George Washington's brave land'';

Whereas the people of the United States generously offered humanitarian assistance to the Greek people during their struggle for independence;

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete, which provided the Axis land war with its first major setback, setting off a chain of events that significantly affected the outcome of World War II;

Whereas hundreds of thousands of Greek civilians were killed in Greece during World War II in defense of the values of the Allies;

Whereas, throughout the 20th century, Greece was one of a few countries that allied with the United States in every major international conflict;

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, having invested more than $20,000,000,000 in the countries of the region, thereby helping to create more than 200,000 new jobs, and having contributed more than $750,000,000 in development aid for the region;

Whereas Greece actively participates in peacekeeping and peace-building operations conducted by international organizations including the United Nations, the North Atlantic Treaty Organization, the European Union, and the Organization for Security and Co-operation in Europe;

Whereas Greece received worldwide praise for its extraordinary handling during the 2004 Olympic Games of more than 14,000 athletes and more than 2,000,000 spectators and journalists, a feat Greece handled efficiently, securely, and with hospitality;

Whereas Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas the Government of Greece has taken important steps in recent years to further cross-cultural understanding and rapprochement with Turkey, as seen by Prime Minister of Greece George Papandreou's trip to Turkey, just days after being elected and the Prime Minister of Turkey Recep Tayyip Erdogan's visit to Greece in May 2010, during which Greece and Turkey established a Joint Ministerial Council, made up of 10 ministers from each country, to discuss tangible ways to enhance cooperation in various fields of interest;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights;

Whereas those and similar ideals have forged a close bond between Greece and the United States; and

Whereas it is proper and desirable for the United States to celebrate March 25, 2011, Greek Independence Day, with the Greek people and to reaffirm the democratic principles from which these two great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) extends warm congratulations and best wishes to the people of Greece as they celebrate the 190th anniversary of the independence of Greece;

(2) expresses support for the principles of democratic governance to which the people of Greece are committed; and

(3) notes the important role that Greece has played in the wider European region and in the community of nations since gaining its independence 190 years ago.

CONDEMNING THE ELECTIONS IN BELARUS

Mr. REID. Madam President, I ask unanimous consent that we proceed to the immediate consideration of S. Res. 105.

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

The legislative clerk read as follows:

A resolution (S. Res. 105) to condemn the December 19, 2010, elections in Belarus, and to call for the immediate release of all political prisoners and for new elections that meet international standards.

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

Mr. DURBIN. Madam President, much of the world's recent attention has understandably been on the Middle East—and of course this week on the terrible situation with one of America's closest allies—Japan. I understand that USAID has sent disaster relief teams to help in the earthquake and tsunami devastated cities and that the U.S. aircraft carrier USS Ronald Reagan is off the coast to help with relief operations.

Events there are truly heartbreaking and we stand in solidarity with our Japanese friends during this time of continued crisis and rebuilding.

Amid these major global events I want to make sure we don't lose sight of the continuing political repression in the last dictatorship of Europe—Belarus.

You see, despite the transformations that swept through eastern and central Europe following the collapse of the Soviet Union, Belarus remains stuck in time under the tyranny of Alexander Lukashenko, who has ruled the country with an iron fist for most of the last two decades.

Lukashenko's security forces that help prop up his illegitimate regime are actually still called the KGB—and they have the same despicable tactics as the old Soviet KGB.

Under Lukashenko's regime, those who dare to speak up against the government or attempt to participate in any semblance of democratic activity find themselves arrested, beaten, or worse.

In December, six of the seven candidates who chose to run against Lukashenko were arrested on election day when protesting the sham electoral process. Some were beaten and one, Vladimir Nekliaev, was even yanked out of a hospital and taken for interrogation by Lukashenko's KGB henchmen.

Over 600 other protesters were also arrested.

I had the opportunity to visit Belarus some weeks after the election and meet with the family members of these brave candidates and activists and I must tell you, it was a very moving experience.

I want to tell you about Milana Mikhalevich a 34-year-old mother of two, whose husband Ales was a Presidential candidate.

She told me of her harassment by Belarusian officials since her husband's arrest; how they denied her access to see him or even exchange letters. Any attorneys brave enough to defend him faced disbarment or criminal charges.

As she described this Lukashenka nightmare, Milana's 14-month-old daughter Alena scrambled around her feet—her father held somewhere in a Lukashenka KGB nightmare.

Just a few weeks ago Ales was finally released from detention. He promptly issued a statement detailing the abuse and torture that he endured in his 2-month KGB detention, including being beaten, stripped naked, and hung by his hands.

He said that following his torture he was forced to sign a document in which he pledged to cooperate, noting ''after my joints crunched I did all they wanted.''

Madam President, can anyone believe this kind of barbarism is still happening in Europe?

At the end of January, following repeated condemnations of the December election and demands for the release of all political prisoners, the United States and the European Union imposed targeted travel and financial sanctions on Lukashenko and his group of enablers.

Tragically, since then, Lukashenko's KGB has continued daily raids on the homes and offices of those suspected of ties to the democratic opposition, human rights organizations, or independent media.

Lukashenko has ignored election monitor reports questioning the credibility of the election and international demands to release all political prisoners. He has pulled his country even further into isolation and made it the subject of international scorn.

Following the old Soviet playbook, his government has tried to blame outside forces and other countries—everyone but Lukashenko himself—for the shameful political mess he has created.

You may have read his very troubling interview recently in the Washington Post in which he brazenly claimed ''We told you clearly that there is no less democracy in Belarus than there is in the United States'' and that despite the international condemnation and sanctions, he would order the same arrests and repression on election night all over again given the chance.

Just last week his government formally sentenced a number of protesters to terms of between 3–4 years in a high security prison. Others still face trials and possible 15 year sentences.

That is why last week, Senators LIEBERMAN, MCCAIN, CARDIN, SHAHEEN, GRAHAM, KYL, BARRASSO, MARK UDALL, KIRK, LAUTENBERG and I submitted a Senate resolution on Belarus that, among other things:

Condemns the December election as illegitimate and fraudulent and calls for new elections that are genuinely democratic; calls for the immediate release of all political prisoners in

Belarus and an end to the harassment of their families and lawyers; and urges the U.S. and the EU to expand the list of Belarussian officials and their families responsible for maintaining Lukashenko's rein of tyranny to be subject to travel and asset sanctions.

The resolution also calls on the International Ice Hockey Federation to suspend its 2014 International World Ice Hockey championship to be hosted in Minsk, Belarus until all political prisoners are released.

No such distinguished international sport championship should be awarded to Lukashenko's dictatorship while political prisoners are rotting away and being tortured in his secret KGB prisons.

Madam President, the people of Belarus only want the same basic freedoms that so many of us take for granted—and that so many are protesting for in the Middle East—the freedom to choose one's own government, to be free from indiscriminate arrest and torture, and to speak and debate issues freely within a democratic process.

We in the Senate owe the Belarusian people nothing less than to stand in solidarity with them as they continue their struggle.

Mr. REID. 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. 105) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 105

Whereas the people of Belarus have lived under the brutal dictatorship of Alexander Lukashenko for almost 2 decades;

Whereas, under Mr. Lukashenko's rule, Belarus—which is known as ''the last dictatorship of Europe''—has defied the post-Soviet democratic transformation that swept eastern and central Europe by maintaining an abhorrent human and political rights record and denying its citizens fundamental freedoms;

Whereas, according to the United States Department of State 2009 Human Rights Country Report on Belarus, elections in Belarus are consistently unfair and undemocratic; politically motivated arrests and detentions are ongoing; Belarus' judiciary is not independent; beatings, poor treatment, and disease are widespread in prisons in Belarus, where detainees lack access to food, proper clothing, and medical treatment; and the Government of Belarus has severely and systematically restricted basic freedoms of press, speech, assembly, association, and religion;

Whereas Mr. Lukashenko had an opportunity to move Belarus closer to the community of democracies by holding free and fair presidential elections on December 19, 2010, and allowing for multiple opposition candidates to run for president;

Whereas the Lukashenko regime squandered this opportunity for the people of Belarus by orchestrating a fraudulent election that failed to meet minimal international standards;

Whereas, following the elections, the Lukashenko regime arrested 5 of the 6 opposition presidential candidates, severely beating one candidate, Uladzimir Niakliayeu, and arbitrarily beating many of the thousands of Belarusians who were peacefully protesting the stolen election in the largest public demonstration the country had seen in over 5 years;

Whereas, during the course of election day and its aftermath, Lukashenko's security forces, the State Security Agency (KGB), detained or arrested over 600 additional people, including journalists, civil society representatives, political activists, and ordinary Belarusians who were peacefully seeking to exercise their fundamental human rights to free assembly and expression;

Whereas the Organization for Security and Cooperation in Europe's Election Observation Mission, which monitored the election in Belarus, issued a statement of preliminary findings and conclusions on December 20, 2010, that criticized the election's campaign environment as ''characterized by the lack of a level-playing field'' and reported that international observers assessed the vote count as ''non-transparent'' and ''bad or very bad in almost half of all observed polling stations'';

Whereas, according to Organization for Security and Cooperation in Europe observers, prominent international websites, including Gmail and Hotmail, and Belarusian websites including Charter97.org, euroradio.by, gazetaby.com, and zapraudu.info were rendered inaccessible on election day;

Whereas, on February 22, 2011, the Organization for Security and Cooperation in Europe stated in its final report on the December 19, 2010, election that the final vote count was ''flawed and lacked transparency'';

Whereas Department of State spokesperson Philip J. Crowley said on December 20, 2010, ''We cannot consider the election results as legitimate.'';

Whereas, on December 20, 2010, the Obama Administration called for the release of all detained presidential candidates and protestors arrested around the election and strongly condemned the violence used by the Lukashenko regime to ''undermine the democratic process'';

Whereas on December 23, 2010, Secretary of State Hillary Clinton and European Union High Representative for Foreign Affairs and Security Policy Catherine Ashton strongly condemned the Lukashenko regime's disproportionate use of violence and called for ''the immediate release of the presidential candidates and the over 600 demonstrators who have been taken into custody in the wake of the presidential elections in Belarus'';

Whereas the heads of the foreign affairs committees of the German and Polish parliaments issued a joint statement on December 31, 2010, stating that the presidential election in Belarus showed ''a complete lack of respect for European values and standards'';

Whereas, on January 20, 2011, the European Parliament adopted a resolution that condemns the December 19, 2010, elections in Belarus and their violent aftermath; demands the immediate and unconditional release of political prisoners; and calls for ''new elections to be held'' in Belarus under ''free and democratic conditions'' and ''according to OSCE standards'';

Whereas, on December 31, 2010, the Government of Belarus refused to extend the mandate of the Organization for Security and Cooperation in Europe office in Minsk, thereby shuttering the democratic institution building efforts of the Organization for Security and Cooperation in Europe in Belarus;

Whereas, on January 4, 2011, Department of State spokesperson Philip J. Crowley and Darren Ennis, Spokesperson for European Union High Representative Catherine Ashton, issued a joint statement expressing regret over the closure of the Organization for Security and Cooperation in Europe Office in Belarus and calling on authorities in Belarus ''to fulfill their commitments to the OSCE by reforming the election process and providing greater respect for human rights'';

Whereas the Belarusian KGB continues to detain at least 32 political opposition leaders and activists associated with the December 19, 2010, elections who face dubious charges that carry prison sentences up to 15 years;

Whereas, on February 28, 2011, Ales Mikhalevich, a presidential candidate who was arrested following the December 19, 2010, elections and released on January 19, 2011, issued a statement detailing the abuse and torture that he endured during his 2-month detention by the Belarusian KGB, in violation of existing Belarusian laws as well as international agreements, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, to which Belarus has been a signatory since December 1985;

Whereas families of presidential candidates and political opposition leaders and their lawyers face continued harassment and intimidation by Lukashenko's KGB, including repeated interrogations, raids, pressure, and threats of dismissal from places of employment and schools;

Whereas the detained presidential candidates and political opposition leaders are being denied regular access to family, lawyers, medical treatment, and open legal proceedings;

Whereas authorities in Belarus continue to carry out searches and seizures across the country, including the offices and homes of journalists, political activists, civil society representatives, former presidential candidates and their advisers, and ordinary Belarusians with tenuous connections to members of the political opposition;

Whereas, according to the Stockholm International Peace Research Institute, an internationally reputable source on global arms trade, the Lukashenko regime delivered a shipment of military equipment to the Qaddafi regime in Libya in February 2011, just before Qaddafi prepared to initiate the widely condemned bloody crackdown undertaken against the people of Libya;

Whereas, on January 31, 2011, the United States and the European Union imposed targeted travel and financial sanctions on an expanded list of officials of the Government of Belarus, including Alexander Lukashenko and those helping prop up his regime;

Whereas, on January 31, 2011, the United States Government also restricted economic transactions with Lakokraska OAO and Polotsk Steklovolokno OAO, 2 subsidiaries of Belarus's largest state-owned petroleum and chemical conglomerate, Belneftekhim;

Whereas, on February 2, 2011, the United States Government pledged to supplement its democracy assistance to Belarus by $4,000,000 in fiscal year 2011;

Whereas, on March 2, 2011, Lukashenko's regime sentenced 3 of the political detainees, Alyaksandr Atroshchankau, Zmitster Novik, and Alyaksandr Malchanau, to between 3 and 4 years in a top-security prison;

Whereas on March 4, 2011, Department of State Spokesman P.J. Crowley said, ''The United States remains gravely concerned over the continuing post-election crackdown

by the Government of Belarus on civil society, independent media, and the political opposition. Through its ongoing detentions, trials, and harsh prison sentences, the government is creating new political prisoners. We urge the unconditional release of those detained in the crackdown without trials, and the creation of space for the free expression of political views, the development of civil society, and the ability of citizens to expand their contact with open societies.''; and

Whereas Congress passed the Belarus Democracy Act of 2004 (Public Law 108–347) and the Belarus Democracy Reauthorization Act of 2006 (Public Law 109–480) as expressions of support consistent with these aims: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the December 19, 2010, election in Belarus as illegitimate, fraudulent, and not representative of the will or the aspirations of the voters in Belarus, and joins the European Parliament in calling for new elections to be held in Belarus that meet international standards;

(2) condemns the beating, arrest, fining, and imprisonment of presidential candidates, opposition leaders, and activists by Alexander Lukashenko's KGB in the wake of the December 19, 2010, election;

(3) condemns the Lukashenko regime's systematic efforts to prevent freedom of expression and association in Belarus, including its efforts to censor the Internet and stifle freedom of the press;

(4) stands in solidarity with the people of Belarus, those political prisoners being unjustly detained, and those who continue to fight for peaceful democratic change and their fundamental human rights in Belarus;

(5) applauds the pledges of the United States Government and the European Union to impose targeted sanctions, including visa bans and asset freezes, on Belarusian officials and their associates responsible for the recent crackdown and human rights abuses against the people of Belarus;

(6) applauds the decisions of the United States Government, the European Union, and other democratic allies to expand assistance to civil society in Belarus;

(7) calls on the Lukashenko regime—

(A) to immediately and unconditionally release all political prisoners in Belarus who were arrested in association with the December 19, 2010, election, including 3 presidential candidates, Andrei Sannikov, Nikolai Statkevich, and Uladzimir Nyaklyaeu, who are still in prison or under house arrest;

(B) to immediately cease the harassment of the families, friends, and lawyers of political prisoners in Belarus;

(C) to authorize the extension of the mandate of the Organization for Security and Cooperation in Europe Office in Belarus;

(D) to hold new presidential and parliamentary elections in Belarus that are free, fair, inclusive, and meet international standards; and

(E) to meet its international obligations and cease any illegal efforts related to the provision of arms to rogue regimes;

(8) urges the President and the Secretary of State—

(A) to continue to closely coordinate United States and European Union policies towards Belarus;

(B) to resume direct technical and material support to the opposition and civil society in Belarus, including political parties, civic groups, and independent media outlets;

(C) to ensure that the United States list includes any other officials of the Government of Belarus responsible for the crackdown following the December 19, 2010, election in Belarus, associated human rights abuses, and the continued detention, prosecution, and mistreatment of all political prisoners, and to impose targeted sanctions on those individuals and their family members where warranted; and

(D) to identify any other entities that enrich Mr. Lukashenko and his regime at the expense of the people of Belarus and prohibit business with and freeze the assets of such entities;

(9) urges the European Union—

(A) to join the United States in prohibiting business with, and freezing the assets of, the Belarusian state-owned oil and petrochemicals company Belneftekhim and its subsidiaries Lakokraska OAO and Polotsk Steklovolokno OAO, as well as other entities that enrich Mr. Lukashenko and his regime at the expense of the people of Belarus;

(B) to cut all European projects linked to the authorities in Belarus responsible for the crackdown and associated human rights abuses and to exclude officials of the Government of Belarus from meetings under the European Union's Eastern Partnership policy—including the planned European Union summit with post-Soviet countries scheduled to take place in Budapest in May 2011—but to ensure that this suspension not apply to nongovernmental and civil society organizations in Belarus;

(C) to ensure that the European Union list includes any other officials of the Government of Belarus responsible for the crackdown following the December 19, 2010, election in Belarus, associated human rights abuses, and the continued detention, prosecution, and mistreatment of political prisoners, and to impose targeted sanctions on those officials and their family members where warranted; and

(D) to increase support to the opposition and civil society in Belarus, including political parties, civic groups, and independent media outlets;

(10) calls on other members of the international community, including Russia, to take similar targeted actions against the leaders of the Government of Belarus;

(11) calls on the Government of Lithuania, as chair of the Organization for Security and Cooperation in Europe for 2011, to make the reestablishment of the Organization for Security and Cooperation in Europe Office in Belarus one of its chief priorities for its tenure; and

(12) calls on the International Ice Hockey Federation to suspend its 2014 International World Ice Hockey championship to be hosted in Minsk, Belarus until all political prisoners in Belarus are released.

100TH ANNIVERSARY OF TRIANGLE SHIRTWAIST COMPANY FIRE

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 106.

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

The legislative clerk read as follows:

A resolution (S. Res. 106) recognizing the 100th anniversary of the Triangle Shirtwaist Company fire in New York City on March 25, 1911 and designating the week of March 21, 2011 through March 25, 2011 as the ''100th Anniversary of the Triangle Shirtwaist Factory Fire Remembrance Week.''

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

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

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

The resolution (S. Res. 106) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 106

Whereas the Triangle Shirtwaist Company fire was the deadliest industrial disaster in the City of New York's history and resulted in the 4th greatest loss of life from an industrial accident in the history of the United States, claiming the lives of 146 garment workers, many of whom were young immigrants;

Whereas this human catastrophe exposed the need to strengthen labor laws, fire regulations, and health and safety protections for workers;

Whereas the Triangle Shirtwaist Company fire helped spur the growth of the modern-day organized labor movement, particularly the International Ladies' Garment Workers' Union, which continued to fight for better conditions for sweatshop workers;

Whereas from the ashes of this horrific event emerged the modern celebration of International Women's Day, and the death of 129 women workers in the Triangle Shirtwaist Company fire demonstrated the need for workers' rights and women's rights;

Whereas more than 5,000 workers lose their lives each year on the job, and protecting the health and safety of workers continues to be a critical issue in the United States today; and

Whereas national events will be held to remember the victims of the Triangle Shirtwaist Company fire, and to educate citizens about the important role this tragic event played in the history of the United States: Now, therefore, be it

Resolved, That the Senate designates the week of March 21, 2011 through March 25, 2011 as the ''100th Anniversary of the Triangle Shirtwaist Factory Fire Remembrance Week''.

NATIONAL ASSOCIATION OF JUNIOR AUXILIARIES DAY

Mr. REID. Madam President, I now ask we proceed to S. Res. 107.

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

The legislative clerk read as follows:

A resolution (S. Res. 107) designating April 4, 2011, as ''National Association of Junior Auxiliaries Day.''

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

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

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

The resolution (S. Res. 107) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 107

Whereas the National Association of Junior Auxiliaries and the members of the National Association of Junior Auxiliaries provide valuable service and leadership opportunities for women who wish to take an active role in their communities;

Whereas the mission of the National Association of Junior Auxiliaries is to encourage member chapters to render charitable services that—

(1) are beneficial to the general public; and

(2) place a particular emphasis on providing for the needs of children; and

Whereas since the founding of the National Association of Junior Auxiliaries in 1941, the organization has provided strength and inspiration to women who want to effect positive change in their communities: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 4, 2011, as ''National Association of Junior Auxiliaries Day'';

(2) recognizes the great contributions made by members of the National Association of Junior Auxiliaries to their communities and to the people of the United States; and

(3) especially commends the work of the members of the National Association of Junior Auxiliaries to better the lives of children in the United States.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. REID. I now ask unanimous consent we proceed to H. Con. Res. 30.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 30) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

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

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to, the motion to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 30) was considered and agreed to, as follows:

H. CON. RES. 30

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, March 17, 2011, Friday, March 18, 2011, or Saturday, March 19, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, March 29, 2011, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, March 17, 2011, through Friday, March 25, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, March 28, 2011, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

SIGNING AUTHORITY

Mr. REID. I ask unanimous consent that during the adjournment of the Senate, the majority leader, Senator ROCKEFELLER, and Senator WEBB be authorized to sign duly enrolled bills or joint resolutions.

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

APPOINTMENT AUTHORITY

Mr. REID. Madam President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore and majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or interparliamentary conferences authorized by law, by concurrent action of the two Houses or by order of the Senate.

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

ORDERS FOR MONDAY, MARCH 28, 2011

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 30 until 2 p.m. on Monday, March 28; 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 3 p.m., with Senators permitted to speak therein for up to 10 minutes each; further, following morning business, that the Senate resume consideration of S. 493, the small business jobs bill; and finally, at 4:30 p.m., the Senate proceed to executive session to consider the nomination of Mae D'Agostino to be U.S. District Judge for the Northern District of New York, as provided under a previous order.

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

PROGRAM

Mr. REID. Madam President, for the information of Senators, at 5:30 p.m. Monday when we return, there will be a vote on the confirmation of the D'Agostino nomination.

ADJOURNMENT UNTIL MONDAY, MARCH 28, 2011, AT 2 P.M.

Mr. REID. Madam 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 6:40 p.m., adjourned until Monday, March 28, 2011, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

TENNESSEE VALLEY AUTHORITY

RICHARD C. HOWORTH, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2015, VICE HOWARD A. THRAILKILL, TERM EXPIRED.

NATIONAL BOARD FOR EDUCATION SCIENCES

ANTHONY BRYK, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2015. (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

LISA O. MONACO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE DAVID S. KRIS, RESIGNED.

ELECTION ASSISTANCE COMMISSION

MYRNA PEREZ, OF TEXAS, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 12, 2011, VICE ROSEMARY E. RODRIGUEZ.

MYRNA PEREZ, OF TEXAS, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2015. (REAPPOINTMENT)

GINEEN MARIA BRESSO, OF FLORIDA, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2013. (REAPPOINTMENT)

CONFIRMATIONS

Executive nominations confirmed by the Senate March 17, 2011:

THE JUDICIARY

AMY BERMAN JACKSON, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

DEPARTMENT OF DEFENSE

MICHAEL VICKERS, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.