United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, THURSDAY, APRIL 7, 2011 No. 50

Senate

(Legislative day of Tuesday, April 5, 2011)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

The PRESIDING OFFICER. Today's opening prayer will be offered by Rev. Dr. Jeffrey W. Carter, senior pastor of Manassas Church of the Brethren in Manassas, VA.

PRAYER

The guest Chaplain offered the following prayer:

Please pray with me.

Gracious God, from whom all blessings do flow, we give thanks for the opportunity of this new day and the power and possibility within it to do what is noble, trustworthy, and true. We pause to center ourselves upon the importance of this present moment, upon our calling.

May Your spirit of wisdom and discernment descend upon this body as they seek to govern with justice and care. Grant them wisdom and courage as they meet the challenges of our time, knowing they are Your stewards of a democracy and servants of a people. May their decisions answer Your eternal call to guard the dignity of each person, to ensure freedom for all people, and to strive tirelessly for the common good, for it is in our living beyond ourselves that we find the greatest meaning and deepest expression of our faith.

Truly, on this day, may Your grace be upon this Senate, our Senators, their staffs, those who work tirelessly in support of this Chamber, as well as their families. And may Your grace be upon our Nation—diverse, gifted, and united in our affirmation of life and liberty, happiness and peace.

For this we pray. 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 7, 2011.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

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

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

THE GUEST CHAPLAIN

Mr. WEBB. Mr. President, I rise today to speak about today's guest Chaplain, the Reverend Dr. Jeffrey Carter of Manassas Church of the Brethren, located in Manassas, VA. I am pleased to welcome Dr. Carter, his wife Kim, and their three young daughters—Anna, Grace, and Julie—to the U.S. Senate today.

Dr. Carter is a 1992 graduate of Bridgewater College, located in Bridgewater, VA. He received his Master of Divinity from Bethany Theological Seminary in 1998, and his Doctor of Ministry from Princeton Theological Seminary in 2006. In 2003, at the age of 33, he was appointed senior pastor of Manassas Church of the Brethren. Since 2005, he has also served as lead chaplain for the Prince William County, VA, Fire and Rescue Squad. In addition to his duties with his home church, Dr. Carter also serves as the Church of the Brethren's representative to the World Council of Churches, and is a member of the board of directors for the Brethren Housing Corporation.

Manassas Church of the Brethren was established in 1895, and has served the greater Manassas community for the past 116 years. They offer a wide variety of fellowship opportunities and outreach ministries to their large congregation and residents of the Manassas community.

Through the dozens of missions and ministries at Manassas Church of the Brethren, Dr. Carter has made a profound impact on the lives of many members of my constituency. I am certain that he will continue to guide his congregation for many years to come, and I look forward to seeing the direction of Manassas Church of the Brethren under his leadership.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will be in morning business, with the first hour equally divided, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes. Senator HOEVEN will be recognized at noon for up to 25 minutes to deliver his maiden speech to the Senate.

We continue to work to complete action on the small business bill. We are

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

Printed on recycled paper.

hopeful we will be able to vote on a budget by the end of this week. Senators will be notified when votes are scheduled.

Mr. President, for Members of my caucus, the 12:30 luncheon we have every Thursday has been postponed until 3 o'clock today.

BUDGET NEGOTIATIONS

Mr. REID. Mr. President, approximately 1 hour ago, I was at the White House with Speaker BOEHNER. We had made a joint statement to the press during the nighttime there at the White House, and at that time I was cautiously optimistic that we could complete the work on the people's business to fund the government until the end of this fiscal year—October 1. Now we are 38 hours away from this deadline of the government shutting down, so it is clear from the math that in less than 2 days a decision must be made as to whether the government closes or stays open, whether we put the American people first and reach an agreement, or have, as I will explain in a few minutes, issues having nothing to do with government funding cause the government to shut down.

We met last night, the Speaker and I, with the President for quite a long time, 1½ or 2 hours. The meeting was initially one where the President, the Vice President, Speaker BOEHNER, and myself were present to try to work through these issues. We then went into a meeting with our staffs to try to work through these issues. The numbers are basically there. That is where we are. My staff, the President's staff, and the Speaker's staff worked through the night to try to come up with an appropriate way to end this impasse.

I repeat, the numbers are basically there, but I am not nearly as optimistic—and that is an understatement—as I was 11 hours ago. The numbers are extremely close. Our differences are no longer over how much savings we get on government spending. The only thing—the only thing—holding up an agreement is ideology. I am sorry to say that my friend, the Speaker, and the Republican leadership have drawn a line in the sand not dealing with the deficit—which we know we have to deal with and where we have made significant cuts—not with the numbers that would fund the government to the end of this fiscal year. That is not the issue. The issue is ideology, not numbers.

There are a number of issues, but the two main issues holding this matter up are reproductive rights for women and clean air. These matters have no place on the budget bill. This is a bill to keep the government running with dollars, and they want to roll back the Clean Air Act. The bottom line is this: If we are going to sit down at the negotiating table, as we have, and fund the government, it should be based on government funding.

I know there are some rambunctious new Members of the House of Representatives over there, and there are probably some who have been there a long time who are more senior and who believe, as Republicans, this is their time to shine. But they should do that on a legislative matter, not on a spending bill. They can send the stuff, and we will get to it when we can, to show we can get to things. We have done it on this clean air bill and the very difficult issues dealing with 1099—a government issue relating to the health care bill. It was tough, but we did it. We had a bunch of votes yesterday on EPA funding. We can legislate, and we can do that on issues that are difficult. We showed that this week in the Senate. But no one can realistically think we can walk out of a room and suddenly agree on or focus on an issue that has been around for four decades—this issue relating to women's choice. This is a legislative matter. We can't solve in one night a disagreement this country has been having for four decades. There are very definite sides that have been taken.

I served in the House of Representatives with Henry Hyde, where this all got started. Henry Hyde was the man who started, more than anyone else, the public debate on women's choice. He was dug in as to what he felt was right; others disagreed with him. But the Hyde amendment prevailed, and we have been basically working off that for four decades. For 40 years, we have been focused on that issue. We can't solve in one night a disagreement this country has been having for four decades. It is not realistic to shut down the government on a debate dealing with abortion. It is not realistic, and it is not fair to the American people. We haven't solved the issue in 40 years, and we are not going to solve it in the next 38 hours.

Now is the time to be realistic. We should not be distracted by ideology. We have been distracted by ideology. This is a bill that funds the government. It isn't a bill that should deal with changing the Environmental Protection Agency's rules and regulations. That should be done legislatively. We can't now, on a bill that focuses on the spending of this country, suddenly decide there is going to be a big breakthrough on one side or the other on abortion. It can't happen. It won't happen.

Speaking of distractions, the House is now going to pass a short-term stopgap. It is a nonstarter over here. Doing that is a sure way to close the government. There are no more short-term extensions unless it is a clean continuing resolution to allow us a few more days to work on matters relating to funding the government. The President has told the Speaker that, I have told the Speaker that, and Republicans in the Senate have told the Speaker that we can't pass another short-term CR. It is not only bad policy, it is a fantasy. As I said last night, this is a nonstarter in the Senate. The President told the Speaker that last night. He called and talked to him 20 minutes ago, 30 minutes ago, and told him the same thing. I talked to the President at a quarter to 10, and he told me the same thing.

We have moved so far, and we have given everything we can give. The President is absolutely right, we can't keep funding this government one paycheck to the next, one stopgap measure after another. The United States of America, this great country of ours, shouldn't have to live paycheck to paycheck.

I repeat, this debate that is going on today deals with money; it doesn't deal with ideological issues where both sides have drawn a line in the sand. If the House of Representatives wants to send us matters regarding Wall Street reform, we can debate them here. If they want to send us measures dealing with health care, we can debate them here. If they want to send us measures dealing with EPA, we can debate them here, just as we did yesterday. If they want to send us something here on title X, which is reproductive health for women, we can debate that issue. But it should not be on a stopgap funding measure. So if this government shuts down—and it looks as if it is headed in that direction—it is going to be based on my friends in the House of Representatives, the leadership over there, focusing on ideological matters that have nothing to do with the funding of this government. I think that is a sad day.

As a predecessor of my friend the Republican leader said many years ago—the great Henry Clay—''All legislation is founded upon the principle of mutual concession.'' He was known as the ''great compromiser,'' Henry Clay was. He served in this body and served three separate times as Speaker of the House of Representatives. That is what he said. Isn't this the time to do that? Remember the two words that are so important in what Henry Clay said: mutual concession. We have done far more than anyone ever thought we would do, and we have done it because we believe this government should not shut down.

RECOGNITION OF THE MINORITY LEADER

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

CONTINUING RESOLUTION

Mr. MCCONNELL. Mr. President, my good friend mentioned Henry Clay. He would approve very much of the bill the House will be sending over later today. And the abortion provision my good friend refers to is one Democratic leaders have previously supported. It is a measure that has previously appeared in appropriations bills and a measure that has been previously signed by the President. So obviously that is not what this matter is about.

As the majority leader indicated, the talks are continuing. But two positions

have emerged that are very clear. Throughout this debate, Republicans have consistently said that we prefer a bipartisan agreement that keeps the government running and provides critical funding and certainty for our troops. This is exactly what we have been working toward all along, and that is exactly what the bill the House Republicans are expected to pass today will do.

Importantly, this bill will also include a modest reduction in Washington spending—a reduction well within the range that even Democratic leaders have described as reasonable.

In fact, the bill House Republicans will send over to the Senate today is nothing more than a smaller version of the larger bill that Democrats say they want. So let's be specific, very specific.

The Obama administration and the Secretary of Defense have said they need an annual defense bill. The House bill we will get today does that. It passes the Defense appropriations bill. Senate Democrats have said they want the Government to keep running. The House bill we will get today does precisely that. Democratic leaders have identified a number of cuts they believe are reasonable. The spending cuts in the House bill we will get today go no farther than that. Democratic leaders have said they want no controversial policy riders. That is what we just heard our majority leader talking about. But the policy provisions in the bill we will get today are provisions that members of the Democratic leadership have already voted for and that the President himself has previously signed into law. It will be pretty hard to argue that is controversial.

Here is the bottom line: The bill does everything Democrats have previously said they want. It cuts Washington spending by an amount that Democratic leaders believe is reasonable. The policy prescriptions it contains have been previously agreed to by Democratic leaders and signed by this President. Most important, this is the only proposal out there that keeps the government open, the only one that is coming over from the House.

In other words, if a shutdown does occur, our Democratic friends have no one to blame but themselves because they have done nothing whatsoever to prevent it, since they have produced no alternative to the bill the House is sending over today. This is the only proposal currently on the table that will keep the government open.

There are two options at this point. Democrats can either take up and pass this reasonable bill that falls well within the bounds of what their own leadership has defined as acceptable or shut down the government. That is it, that is the choice. So rather than talking about a shutdown, I hope our Democratic friends join us in actually preventing one. There is only one way to do that, by quickly passing the House bill and sending it to the President for his signature before tomorrow night.

COLOMBIA FTA

Mr. MCCONNELL. Mr. President, the President will meet today with Colombia President Juan Manuel Santos. We understand they will announce agreement on a long overdue free-trade agreement with this important trading partner and our best ally in South America. Republicans have been urging the President to act on this and on other critical trade deals for over 2 years.

The U.S. Chamber of Commerce estimates that trade deals with Colombia, Panama, and South Korea can provide up to 380,000 U.S. jobs. We know this deal alone would create tens of thousands of new jobs here in this country. At a time when millions of Americans are out of work and businesses are looking for opportunities to hire, there was no excuse to slow walk these deals.

We hope today's meeting marks a real step forward in concluding this trade agreement with Colombia. We expect this announcement means the President will be submitting all three trade agreements—Korea, Colombia, and Panama—in the very near future. We look forward to working with him to clear them through the Congress.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with Republicans controlling the first 30 minutes and the majority controlling the second.

The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, it is my understanding I was granted 20 minutes under the leader's time. If that is the case, I would like assurance.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

FINANCIAL SECTOR REGULATION

Mr. ROBERTS. Mr. President, I appreciate the leadership, as best they can, going into greater detail on the mutual effort to avoid a government shutdown. I know all Members are vitally interested in this, as is the American public. I do happen to agree—probably no surprise—with the Republican leader in his description of the situation, especially in regard to our national security, which I think is exceedingly important.

I have asked for this time now to discuss a related subject. Some may think it is not related but I think it is. It is related to a government—or an economic shutdown, if you will, on many businesses throughout the country, that is already occurring. This is something we hear about from time to time from various industries or businesses or occupations—almost everybody up and down Main Street. I would describe it as a shutdown by regulation or almost strangulation by regulation. That is what I wish to talk about for a moment.

I come to the floor to highlight another area where regulation is having a negative effect on business in my State and all across the country. To date, I have spoken about the impact of regulations on health care and on agriculture and on energy. Today I am here to talk about the regulation of our financial sector. I want to emphasize I am talking about the impact of regulation on our community banks, those banks in each of our towns, often home owned and operated.

Our community banks share the common concern I have heard from businesses in all industries all across my State. The volume and pace of regulations that are coming out of Washington are unmanageable and they add to the costs and divert resources that would otherwise be used to grow their businesses or serve their customers or help the economy in its recovery.

As I have noted in previous remarks, I was very encouraged that President Obama signed an Executive order. I credit him for that. He directed the administration to review, to modify, to streamline, expand, or repeal those significant regulatory actions that he called duplicative and unnecessary, overly burdensome, or that which would have had significant impact on Americans. He even, in an offhand remark, said some of these regulations are actually stupid. I agree with the President and I gave him credit for that.

I was originally encouraged by the President's commitment to a new regulatory strategy. But after reviewing the Executive order I was left with some concerns. Here is why. The Executive order states:

> In applying these principles, each agency is directed to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.

Nobody could possibly disagree with that. It is a good statement.

> Where appropriate and permitted by law, each agency may consider (and discuss qualitatively)—

I am not sure if I understand that in very clear language, but at least I have been trying to figure that out, along with a lot of the people who are on the receiving end of regulations. Then this is the part which I defy anybody to comprehend. ''values that are difficult or impossible to quantify, including equity, human dignity, fairness and distributive impacts.''

As the Wall Street Journal captured in their response to the President's editorial, ''these amorphous concepts are

not measurable at all.'' How on Earth do you make such a determination? This language is, in fact, if anybody could understand it, a very large loophole. Coupled with an exception for the independent agencies such as the FDIC and the EPA, and the subagencies and other regulatory agencies, it has the potential to result in no changes at all.

Here you have an Executive order but you also have an Executive order that has a lot of loopholes in it. That is why I have introduced legislation to put teeth into this Executive order. My bill is called the Regulatory Responsibility For Our Economy Act, and it strengthens and codifies the President's order. Like the Executive order, my legislation ensures that the regulators review, modify, streamline, expand, or repeal the regulatory actions that are duplicative, unnecessary, overly burdensome, or would have significant impact on Americans. But it requires that Federal regulations put forth do consider the economic burden on American businesses, ensure stakeholder input during the regulatory process, and promote innovation.

Today, 46 Members of this body have signed on as cosponsors. That is a testament to the concerns that my colleagues are hearing from their constituents about how the unrelenting tide of regulations now coming from Washington is harming their businesses and our economy. It could be described, actually, as another government shutdown, as I have indicated, by strangulation.

Today I want to call attention to the impact of regulations on the financial services sector, in particular the impact on our community banks. I might add, in discussing this before on agriculture, energy, and health care, we talked to the stakeholders involved in Kansas, the people who are actually involved. It is their suggestions I am repeating and that I have tried to encompass in my legislation.

The financial services sector of our economy is already the focus of substantial regulation. I think everybody understands that. We all support commonsense financial regulations. However, it is important that financial regulations do not become undue burdens, especially on our community banks that are the backbone of Main Street and finance the economic growth in our communities. While I appreciate that many of the agencies with responsibility for regulating the industry are independent of the executive branch, I am hopeful that these agencies are receptive to the President's effort.

While the economic crisis focused attention on the financial services industry leading to the passage of the Dodd-Frank bill, our Nation's community banks that are already shouldering an undue regulatory burden will now bear a greater burden when the hundreds of regulations from this law are implemented. Our Nation's community banks are often small businesses. On average a community bank has 37 employees and approximately $154 million in loans and other assets. The majority of banks in Kansas have an average of fewer than 14 employees. However, they currently comply with 1,700 pages of consumer regulations alone. That is incredible. They must also comply with hundreds of additional pages of regulations regarding lending practices and other banking operations.

According to a summary of the Dodd-Frank act by Davis Polk, this legislation mandates that 11 different agencies now create at least 243 more regulations; issue 67 one-time reports or studies and 22 new periodic reports. Many of these new rules are required to be issued in the next year or two, and financial regulatory agencies have the discretion to issue additional rules on top of those and those required under Dodd-Frank.

This is incredible if not unbelievable. Regulators have already issued more than 1,400 pages of regulatory proposals. Up to 5,000 pages of regulations are expected.

Many will be proposed by a new bureaucracy that is created in the Dodd-Frank act, the Bureau of Consumer Financial Protection. Remember that name. The acronym is CFPB, and it will undoubtedly suffocate a lot of businesses. It will have broad authority to monitor, regulate, and direct the activity of banks. These actions will create additional and significant compliance costs that will impact the ability of every bank to serve its community. These actions have real costs to banks.

According to recent testimony before the House Oversight and Investigation Subcommittee, the CBO Director—the Congressional Budget Office Director—Douglas Elmendorf, said the Dodd-Frank act is expected to impose nearly $27 billion in new private sector fees, assessments, and premiums. This amount includes more than $14 billion in new fees on banks. Guess where that money is going to end up in regards to consumer costs. Our community bankers and their customers are worried about the impact of these new requirements. That has to be the understatement of my remarks. They are frustrated, they are angry, they are upset.

Now, while not every regulation will apply to the community banks, they tell me the rapid pace and volume of new regulations being put forth are placing a strain on many banks' compliance capabilities and are adding significantly to their operating costs. Many banks tell me they are reevaluating whether they can afford to offer some products and services such as mortgage lending. Yes, you have that right. If you live in a small community, and you go to your local bank and you would like to get a loan in regards to financing a mortgage, sorry, they may be out of the business.

It is important to understand that banks do not oppose commonsense regulations. They are necessary to ensure that banks are doing their jobs and that consumers receive the proper information and disclosures that are beneficial to them. The problem is that unlike bigger financial institutions, our community banks do not have a large staff of attorneys or compliance officers to help them navigate wave after wave of these new regulations.

By one estimate, for the typical small bank, more than one out of every four dollars—one out of four—of operating expenses is used to pay for the cost of complying with government regulations. With Dodd-Frank we can only expect that cost to go higher.

One community banker tells me they have five compliance officers out of a staff of less than 100 employees. In speaking with compliance officers, they tell me regulations that are being put forth to implement a range of new requirements are being written too quickly, without sufficient specifics and guidance for banks to implement as intended.

They point to regulations that are duplicative or contradictory but which they must comply with, even if the banker or consumer does not view the regulation as having any value or benefit to the consumer—I might add, even if they can understand it.

Such compliance efforts cost time and money and it is vital that Federal regulators consider the total impact of all regulations, not merely each regulation in isolation, and work to reduce unnecessary regulatory burdens on an already heavily regulated industry.

With these concerns in mind, I would like to call attention to several regulations that highlight the impact of an overly burdensome regulatory environment. I encourage regulators to join the President's effort to pursue solutions to regulations that make it difficult for our community banks to serve their customers, support businesses in their communities, and help grow our economy.

The Dodd-Frank act requires the Federal Reserve to issue a rule for debit interchange fees. Basically, interchange fees are swipe fees that a merchant bank pays to a customer's bank when the customer uses their debit card. In December I joined a bipartisan group of Senators in writing to Federal Reserve Board Chairman Ben Bernanke expressing our concerns with the interchange provision and to encourage the Federal Reserve to ensure that our consumer interests are protected in rate standards that are set.

Our letter outlines ''concerns with the consequences of replacing a market-based system for debit card acceptance with a government-controlled system,'' as well as concerns that the provision will make small banks and credit union debit cards more expensive for merchants to accept than those cards issued by larger banks, and it would likely put them at a disadvantage compared to the large banks that issue those other cards.

In addition, the rule does not consider all of the costs incurred by a bank in actually providing the service,

such as all the costs for fraud control and prevention, network processing fees, card production, and issuance costs, and fixed costs, including capital investments. These are all significant costs for many banks and will be one of the factors they will have to look at when considering whether they even continue to offer any debit card service.

During debate on the debit interchange amendment, supporters presented it as a proconsumer provision, maintaining that the reduction in interchange fees would be passed on to the consumer. Yet there is nothing, nothing in this Dodd-Frank act that requires retailers to pass on any savings from debit interchange fees to their customers. On the contrary, the debit interchange rule will likely result in higher bank fees, a loss of reward programs, or banks may ultimately, as I have said, decide not to offer debit cards to their customers. Some steps are already being considered.

Higher fees or limited choices as a result of such government price controls does not benefit any consumer. That is why legislation I am supporting calls for the Federal Reserve and other Federal financial regulators to slow down and fully study this issue, carefully evaluate the 11,000 comments that were received on this proposed rule.

I am particularly concerned about the estimated costs of the debit interchange rule for our community banks, which is not insignificant. Supporters of the interchange rule say our community banks will not be impacted. Well, I beg to differ.

Consider what I am hearing from the community banks in my State of Kansas. One community banker in a town of just 1,000, whose bank began offering debit cards a few years ago, tells me the interchange proposal will cost his bank $19,000 a year. Two other banks that serve multiple rural communities will see increased costs per year of more than $46,000 and $100,000, respectively. Other banks, including banks in my State, estimate the cost to be in the millions. Ultimately, the loss of income for banks will mean less capital available to lend to borrowers.

I also want to mention the concerns I am hearing about the patchwork of mortgage disclosure requirements. Taken together, existing regulations and anticipated regulations as a result of Dodd-Frank may well have the effect of making it more difficult and costly to provide mortgages to qualified borrowers, reduce lending capacity, and may push some lenders to simply stop offering mortgages.

One example is the SAFE Act. It creates a nationwide mortgaging licensing system and registry for mortgage loan originators. This registry is intended for use by regulators to identify mortgage brokers or lenders who seek to work in a State after being banned from working in a different State. That sounds all right. However, each mortgage loan originator will be required to register with a national registry, obtain a unique identification number, and submit fingerprints for the FBI to conduct a criminal background check.

So if you are in the business of trying to be a mortgage loan originator, you are going to get fingerprinted. Our community bankers tell me their cost to meet the new requirements is roughly $1,000 to $2,000 per loan officer. I know that might not seem like a lot of money to Washington regulators, but it is a tidy sum in rural America.

The cost of compliance will take time and money away from the business of lending and may ultimately be passed on to the consumer in the form of higher prices for a mortgage loan. That is what will happen.

Finally, I want to mention the recent guidance on the overdraft payment programs put forth by the FDIC. At some point most of us have had experience with overdraft programs, perhaps when we forgot to balance our checkbook. In the guidance, the FDIC stated:

> The guidance focuses on automated overdraft programs and encourages banks to offer less costly alternatives if, for example, a borrower overdraws his or her account on more than six occasions where a fee is charged in a rolling 12-month period. Additionally, to avoid reputational and other risks, the FDIC expects institutions to institute appropriate daily limits on customer costs and ensure that transactions are not processed in a manner designed to maximize the cost to consumers.

So while banks offer overdraft protection programs now and take other steps to aid customers in avoiding overdrafts, many are concerned that this guidance put forth by the FDIC is overly prescriptive and goes further than amendments on overdrafts put forth by the Federal Reserve.

Further, banks note that the guidance seems to contradict the intent of the President's Executive order that requires agencies to propose or adopt regulations only upon a reasoned determination that its benefits justify its cost, recognizing that some benefits and costs are difficult to quantify. Banks are concerned that the FDIC guidance is based on outdated information and that the impact of the Federal Reserve's rules on overdraft programs should be reviewed before moving forward with additional guidance in this area.

So while the FDIC is not subject to the Executive order, I certainly hope they would adopt the spirit of the order. In addition, when a customer has a pattern of excessive use of automated overdraft programs, the FDIC states that ''(banks) should contact their customers about a more appropriate and lower-cost alternative that better suits their needs.''

I can remember a bank scandal back in the House of Representatives. If only that bank would have had this protection from the FDIC, none of that scandal would have ever happened.

The FDIC recently provided additional clarification on this guidance that provides some flexibility about how banks reach out to customers and permits them to contact customers by mail as well as in person and by telephone. However, the requirement that banks contact customers who incur six overdrafts in a rolling 12-month period remains a broad overreach of the FDIC's authority, putting the burden on the banks rather than the customer who ultimately bears the responsibility for ensuring that they have sufficient funds in their account to cover their transactions.

In fact, one study shows that 77 percent of customers paid no overdraft fees in the previous 12 months. That same study also showed that for those 21 percent of customers who paid an overdraft fee, 69 percent say they were glad the payment was covered.

Another survey found that 94 percent of those surveyed said they would want a transaction to be covered by their banks even if it resulted in an overdraft fee. This guidance seems to be a clear example of where an agency is overreaching, with little evidence of the need for or effectiveness of such additional guidance.

In closing, I thank, again, Obama for taking the step in the right direction to review Federal regulations that place undue burdens or our Nation's economic growth and recovery. I hope financial regulators will join in this effort to examine rules and regulations that pose significant barriers to our small community banks and their ability to serve their customers and contribute to the growth of their communities.

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

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

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. 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. I ask unanimous consent to speak for up to 15 minutes.

The ACTING PRESIDENT pro tempore. The minority time has only 1 minute 30 seconds at this point and then the majority time has 30 minutes.

The Senator from Tennessee may proceed.

THE BUDGET

Mr. ALEXANDER. Mr. President, if another Senator wishes to speak, I will be succinct. I will try to do mine in a less period of time. I thank the Chair for its courtesy.

I wish to speak on two subjects. First, there has been a good deal of discussion in Washington about making sure we continue to operate the government over the weekend and on into next week while we get about the important business of reducing our debt. Our national debt is an urgent problem. Members on both sides of the aisle understand this, and have said this.

We have 64 Senators who have written the President to say we are ready to go to work on reducing the debt on the whole budget. We have a proposal from Congressman RYAN. We have a proposal from the Bowles commission. We are ready to go to work. The House of Representatives has made a proposal to, for the time being, continue the government while we work on that, and that is eminently reasonable.

I ask unanimous consent to have printed in the RECORD a Wall Street Journal op-ed from April 4 by Gary Becker, George Shultz, and John Taylor that points out that the numbers in the House of Representatives proposal would have the Federal Government spend for the rest of the year basically what we spent in 2008, plus an allowance for inflation. There is no reason, the authors say, why government agencies, from Treasury and Commerce to the executive office of the President, cannot get by with the same amount of funding they spent in 2008 plus increases for inflation. This would be a reasonable first step as we get to the larger issue of how we reduce the debt over a longer period.

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

[From the Wall Street Journal, Apr. 4, 2011]

TIME FOR A BUDGET GAME-CHANGER

Assurance that current tax levels will remain in place would provide an immediate stimulus.

House Republican budget planners are on the right track.

(By Gary S. Becker, George P. Shultz and John B. Taylor)

Wanted: A strategy for economic growth, full employment, and deficit reduction—all without inflation. Experience shows how to get there. Credible actions that reduce the rapid growth of federal spending and debt will raise economic growth and lower the unemployment rate. Higher private investment, not more government purchases, is the surest way to increase prosperity.

When private investment is high, unemployment is low. In 2006, investment—business fixed investment plus residential investment—as a share of GDP was high, at 17%, and unemployment was low, at 5%. By 2010 private investment as a share of GDP was down to 12%, and unemployment was up to more than 9%. In the year 2000, investment as a share of GDP was 17% while unemployment averaged around 4%. This is a regular pattern.

In contrast, higher government spending is not associated with lower unemployment. For example, when government purchases of goods and services came down as a share of GDP in the 1990s, unemployment didn't rise. In fact it fell, and the higher level of government purchases as a share of GDP since 2000 has clearly not been associated with lower unemployment.

To the extent that government spending crowds out job-creating private investment, it can actually worsen unemployment. Indeed, extensive government efforts to stimulate the economy and reduce joblessness by spending more have failed to reduce joblessness.

Above all, the federal government needs a credible and transparent budget strategy. It's time for a game-changer—a budget action that will stop the recent discretionary spending binge before it gets entrenched in government agencies.

Second, we need to lay out a path for total federal government spending growth for next year and later years that will gradually bring spending into balance with the amount of tax revenues generated in later years by the current tax system. Assurance that the current tax system will remain in place—pending genuine reform in corporate and personal income taxes—will be an immediate stimulus.

All this must be accompanied by an accurate and simple explanation of how the strategy will increase economic growth, an explanation that will counteract scare stories and also allow people outside of government to start making plans, including business plans, to invest and hire. In this respect the budget strategy should be seen in the context of a larger pro-growth, pro-employment government reform strategy.

We can see such a sensible budget strategy starting to emerge. The first step of the strategy is largely being addressed by the House budget plan for 2011, or H.R. 1. Though voted down in its entirety by the Senate, it is now being split up into ''continuing'' resolutions that add up to the same spending levels.

To see how H.R. 1 works, note that discretionary appropriations other than for defense and homeland security were $460.1 billion in 2010, a sharp 22% increase over the $378.4 billion a mere three years ago. H.R. 1 reverses this bulge by bringing these appropriations to $394.5 billion, which is 4% higher than in 2008. Spending growth is greatly reduced under H.R. 1, but it is still enough to cover inflation over those three years.

There is no reason why government agencies—from Treasury and Commerce to the Executive Office of the President—cannot get by with the same amount of funding they had in 2008 plus increases for inflation. Anything less than H.R. 1 would not represent a credible first step. Changes in budget authority convert to government outlays slowly. According to the Congressional Budget Office, outlays will only be $19 billion less in 2011 with H.R. 1, meaning it would take spending to 24% of GDP in 2011 from 24.1% today.

If H.R. 1 is the first step of the strategy, then the second step could come in the form of the budget resolution for 2012 also coming out of the House. We do not know what this will look like, but it is likely to entail a gradual reduction in spending as a share of GDP that would, in a reasonable number of years, lead to a balanced budget without tax rate increases.

To make the path credible, the budget resolution should include instructions to the appropriations subcommittees elaborating changes in government programs that will make the spending goals a reality. These instructions must include a requirement for reforms of the Social Security and health-care systems.

Health-care reform is particularly difficult politically, although absolutely necessary to get long-term government spending under control. This is not the place to go into various ways to make the health-care delivery system cheaper and at the same time much more effective in promoting health. However, it is absolutely essential to make wholesale changes in ObamaCare, and many of its approaches to health reform.

The nearby chart shows an example of a path that brings total federal outlays relative to GDP back to the level of 2007—19.5%. One line shows outlays as a share of GDP under the CBO baseline released on March 18. The other shows the spending path starting with H.R. 1 in 2011. With H.R. 1 federal outlays grow at 2.7% per year from 2010 to 2021 in nominal terms, while nominal GDP is expected to grow by 4.6% per year.

Faster GDP growth will bring a balanced budget more quickly by increasing the growth of tax revenues. Critics will argue that such a budget plan will decrease economic growth and job creation. Some, such as economists at Goldman Sachs and Moody's, have already said that H.R. 1 will lower economic growth by as much as 2% this quarter and the next and cost hundreds of thousands of jobs. But this is highly implausible given the small size of the change in outlays in 2011 under H.R. 1, as shown in the chart. The change in spending is not abrupt, as they claim, but quite gradual.

Those who predict that a gradual and credible plan to lower spending growth will reduce job creation disregard the private investment benefits that come from reducing the threats of higher taxes, higher interest rates and a fiscal crisis. This is the same thinking used to claim that the stimulus package worked. These economic models failed in the 1970s, failed in 2008, and they are still failing.

Control of federal spending and a strategy for ending the deficit will provide assurance that tax rates will not rise—pending tax reform—and that uncontrolled deficits will not recur. This assurance must be the foundation of strategy for a healthy economy.

PRIVATE SECTOR JOB CREATION

Mr. ALEXANDER. Mr. President, last month marked the 1-year anniversary of President Obama signing the health care bill into law. I believe it was an historic mistake. We have talked about the health care law in a variety of ways. One thing we have said is that at a time when our country needs to make it easier and cheaper to create private sector jobs, the health care law makes it harder and more expensive to do so. Someone might ask: How could that happen? This morning I wish to mention a few examples of how it actually is happening, how the health care law actually is making it harder and more expensive to create private sector jobs.

Last September I met with about 35 chief executive officers of chain restaurant companies. According to the Bureau of Labor Statistics, the retail and hospitality industries are the largest employers in the United States, second only to the U.S. Government. Food services and drinking places provide roughly 10 million jobs. Most of these are first-time job seekers and low-income employees—the young and the poor companies that provide a huge number of jobs to low-income Americans.

One of the chief executive officers I met with said his company had been operating 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. There were many other examples of that around the room.

Many of the attendees are on the National Council of Chain Restaurants. They have significant concerns about the law, and they provided me with specific examples.

One restaurant chain based in Tennessee with worries about the law is a

company called Ruby Tuesday. Ruby Tuesday has 24,000 full-time employees and 16,000 part-time employees.

According to Ruby Tuesday, the employer mandate will cost them roughly $47.5 million—$2000 penalty/per employee/minus the first 30 employees—yet their annual net income last year was just over $45 million. In other words, the cost of the health care law to them equals the entire profits of this multibillion dollar company. Ruby Tuesday says as a result, it will have to reduce its workforce by 18 percent in order to hold their profits even. The company will increase the hours for their full-time employees and reduce their overall workforce in order to reduce the number of people for which coverage would be required.

The problem we are talking about is that the new law requires employers who don't provide acceptable coverage to pay a ''fair share'' penalty of $2,000 per full-time employee. A full-time employee is defined as someone who works 30 hours a week instead of 40. We can see that a company such as Ruby Tuesday, with that many employees, would have a big cost, $47.5 million, which equaled its entire profits for the year.

Another restaurant chain, White Castle, is also concerned. It said that according to their internal estimates, the health care law's provision imposing penalties for employer-sponsored health plans, whose costs to the employee exceeds 9.5 percent of that employee's household income, would be particularly punishing. In its present form this provision alone would lead to an approximate increased cost of over 55 percent of what White Castle currently earns in net income. This devastating impact would cut future expansion and job creation by at least half. The impact would be predominantly felt in low-income areas where jobs are most needed.

A representative of the National Retail Federation testified in February about another large chain quick service restaurant—QSR—and its potential job loss. This company preferred to remain anonymous, but the chain estimates that the incremental cost to comply with the new law is $10 to $15,000 annually per affected restaurant which across the entire system could be $50 to $75 million in incremental costs a year. This would wipe out one-third of that system's profits per year, potentially eliminating 10 percent of its stores, which means hundreds of restaurants and the potential elimination of 12,500 jobs.

There was another example, a large franchise system with multiple casual dining restaurant concepts and projects.

They estimated the average cost per restaurant in their system of the new health care law would be $237,000, which equates to a systemwide cost of providing health insurance benefits to full-time employees of almost $806 million per year. If all of this chain's small business franchisee owners elected to pay the employer penalty instead of providing insurance, the cost would be reduced but to just over still $84,000 per restaurant or a savings of $286 million systemwide. So to cope with the increased costs of the health care law, the employers who are restaurant owners—and these are the largest employers in America, they employ the most people in America except for the U.S. Government—are seeing their costs go up and, as a result, there are fewer jobs for Americans.

Republicans believe it would be better to reduce health care costs step by step so more people can afford to buy insurance instead of expanding a system that costs too much, and we will continue to advocate that position.

The important thing to remember about the law—we have heard it said it hurts Medicare, it adds regulations, raises taxes, and individual premiums are going up—is that it makes it harder and more difficult and more expensive to create private sector jobs at a time when our country should be dedicated to making it easier and cheaper to create them.

I yield the floor.

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

TAX SIMPLIFICATION

Mr. BEGICH. Mr. President, I rise to speak about the Wyden-Coats-Begich bipartisan Tax Fairness Simplification Act. It is that time of the year again, tax time. Across our Nation, small businesses and families are struggling to unravel the annual nightmare of paperwork required to file their taxes. Across our Nation, small businesses and families are struggling. My wife and I are small business owners so I especially understand how burdensome and expensive the Tax Code and filing process can be for folks at this time of year.

This process is costly and burdensome. The IRS estimates that Americans spend 6.1 billion hours each year filling out tax forms and roughly $163 billion each year on tax compliance. Small businesses are the engine and the backbone of our still recovering economy. We should allow them to spend more time doing what they do best—creating jobs and growing the economy—not filling out burdensome paperwork. This is why I have joined my colleagues from both sides of the aisle, Senators WYDEN and COATS, to introduce the bipartisan Tax Fairness and Simplification Act.

Tax reform has been a long priority of mine. I am happy to be moving forward on this important piece of legislation today. In a nutshell, our legislation simplifies the Tax Code and alleviates many of the burdensome paperwork and costly requirements that are bogging down American families and businesses. Our legislation will allow most taxpayers to file their taxes using a straightforward and shortened 1-page 1040 IRS form. This is an example of exactly what it would look like. Also individuals and families will be able to request that the IRS prepare a tax return for them to review, modify, and sign.

The Wyden-Coats-Begich bill reduces the number of tax brackets for individuals from six to three: 15 percent, 25 percent, and 35 percent. It eliminates the alternative minimum tax which forces millions of taxpayers to calculate their taxes twice and pay the higher amount. In order to make capital investments more cost effective for small business owners, the Wyden-Coats-Begich bill will allow 95 percent of small businesses—those with gross receipts of up to a million dollars—to expense all equipment and inventory costs in a single year. These changes may seem simple and commonsense, but they make a world of difference to our middle-class families and small businesses.

Let's talk specifically about small businesses for a second, people who are keeping our economy going, such as my friend John Brower from Anchorage. John owns and operates Alaska Laser Printing in Anchorage. John works tirelessly, 365 days a year, and is proud of the business he built. When new technology is developing in the printing business, it is always bringing on needs for new equipment. This legislation would allow him to expense all those equipment costs and would truly make a world of difference for John and save him thousands and thousands of dollars in taxes.

I am here to speak for the John Browers and the other small businesses all across Alaska and the country. My view is very simple: Let's quit giving tax breaks to multimillion-dollar corporations. Let's close the corporate loopholes and help small businesses such as John Brower's.

Right now we are facing a $14.3 trillion deficit. We are hours away from a potential government shutdown rather than continuing on a path toward long-term economic recovery.

Our new bill actually promotes economic growth because it allows businesses to spend more time growing and less time worrying about the overly burdensome tax system which we all know only enables tax avoidance. As all of us around here know, tax avoidance means outsourcing jobs overseas. Instead, our legislation incentivizes and enables companies to invest in America rather than incentivizing them to invest overseas.

The legislation also promotes responsible retirement savings and investments by expanding tax-free savings opportunities.

The American Dream Account, whether it is for a new home, education for your children, or health care, provides a unique opportunity to invest in the American dream. Families and individuals alike can make contributions to an account that functions much like

a retirement savings account, an RSA, to work toward purchasing their American dream.

Right now the U.S. corporate income tax rate is the second highest in the world. That puts American corporations at a competitive disadvantage globally. To resolve that, the Wyden-Coats-Begich legislation cuts the top corporate rate from 35 percent to 24 percent. That means American corporations will pay a more competitive rate than corporations based in trading partner countries such as Canada, Germany, and France.

To make the Tax Code fairer and reduce opportunities for individuals and businesses to avoid paying their fair share of taxes, the Wyden-Coats-Begich bill ends a number of specialized tax breaks that favor one business sector or some special interest that has been fortunate to be here lobbying in years past and getting their special deals, making sure everyone is treated fairly but ensuring we are competitive in the global economy in which we now compete.

Our legislation protects and extends important tax deductions for families. The Wyden-Coats-Begich bill retains many of the most commonly claimed individual tax credits and deductions, including deductions for mortgage interest and charitable contributions, credits for children and earned income. Preferences for the Armed Forces, veterans, and the elderly and the disabled will be retained, as will those that help Americans pay for health care and higher education and save for retirement.

The Wyden-Coats-Begich bill also permanently extends the enhancements of the Child tax credit, the earned-income tax credit, and the dependent care credit. The legislation eliminates the current law phaseout of itemized deductions and personal exemptions, allowing all taxpayers to benefit fully from their deductions and exemptions.

Finally, our legislation requires banks to identify all individuals who benefit from foreign accounts by name and nationality and to withhold 30 percent of all passive income, such as interest on capital gains, sent to any individual who disguises his or her identity.

Tax reform is a bipartisan issue, hands down. Republicans, Democrats, our President, the OMB Director, and many others all across this country have called for it. So let's do it. Let's stop punching holes in an outdated system and make real tax reform happen. Tax reform is about creating jobs, growing the economy, and supporting our families and businesses for the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I commend my colleague from Alaska. I do not know the particulars of his bill, but as I listened to his description of it, it is long overdue. Simplifying this Tax Code so the average American believes it is fair and understandable is essential for the integrity of our tax system.

I have always said there is one law we can pass which would result in tax simplification overnight, and that would be a requirement that every Member of the Senate and House prepare and file their personal income tax returns. It is a humbling experience. A few years ago, in Springfield, IL, when my accountant passed away, I decided, as a lawyer and a Senator: I will do it myself. I spent the whole Sunday afternoon, and then Monday went begging for help. I thought to myself: Mine is not that complicated. It should be a system that is much simpler and more direct and fair.

I thank the Senator for stepping in to meet that challenge. The Bowles-Simpson Commission talked about tax reform as one of the central elements to dealing with our deficit and expanding our economy. I think I might add to that: fairness in the way our taxes are treated. So I thank the Senator for his leadership on that issue.

Mr. BEGICH. I thank the Senator.

BUDGET NEGOTIATIONS

Mr. DURBIN. Mr. President, we are now in the countdown phase as to whether this government of the United States of America—the most prosperous Nation in the world—is going to shut down, turn out the lights, close its doors, and walk away. That could happen tomorrow night at midnight. If it does, it is an unmitigated disaster. There is no winner. No political party can claim they come out ahead in this exercise. It makes us all look bad—deservedly so.

So this morning I called into a local radio station in downstate Illinois, and the host said: You ought to hear the phone calls, Senator.

I said: I can guess what they are saying. What is wrong with those people in Washington that they can't sit down and reach an agreement? They are supposed to be our leaders. They are supposed to work out our problems. They are not supposed to throw up their hands and throw a tantrum.

That is, frankly, what will happen if we close down this government. Now, I think there are ways for us to reach an agreement. There are certain issues on which we all agree. Let me tell you what they are.

Our deficit and debt are serious national problems. They threaten our future, and they leave a legacy to our children and grandchildren we cannot defend. In order to reduce our deficit and our debt, we need to change in Washington. We need to cut spending, we need to be honest about it, and we need to tell the American people, whom we represent, what it means. Some of it will require sacrifice, but on both sides of the aisle there is no argument over what I just said. We need to cut spending, and we need to reorder the priorities of government.

But there is something more we need to do, and I credit two Minnesota legislators who wrote a letter to the New York Times a few weeks ago, who, I thought, in a few words put it together. This Democrat and Republican wrote in and said: We are facing a fiscal crisis in our State, and what we have discovered is, we can't tax our way out of it. We can't cut our way out of it. We need to think our way out of it. We need to find ways to deliver essential services to the American people in a more cost-efficient way. We need to stop the duplication, waste, and inefficiency that are clearly part of our government today.

So where are we? We are involved in negotiations, primarily between the majority leader, HARRY REID of Nevada, and Speaker JOHN BOEHNER of Ohio. They are trying to work out an agreement so we can move forward and finish this year's funding. It is 6 months and a few days, but it is critically important we get it done. They are close. In fact, I would say—and I just asked Senator REID if this was a fair representation—the dollar amount of this negotiation is all but completed. The dollar amount is all but completed, meaning that both sides have agreed how much we will cut spending for the remainder of this year.

To give credit where it is due, to Speaker BOEHNER and the House Republicans, there are significant cuts in their initiative in this area they can point to as part of the agreement. On the other side of the ledger, I think at the end of the day we will be able to say, as Democrats: Yes, we supported spending cuts, but we drew the line where we thought it was important for the future of this country. We made sure the cuts were not too deep in job training programs for unemployed and new workers in America. We made certain the cuts were not too deep when it came to education, particularly for children from low- and middle-income families. We made certain the cuts were not too deep when it came to medical research and the basic competitive research necessary for the American economy and businesses to expand—and a host of other things. But those three major areas of job creation, education, and research we fought for, and at the end of the day I think we can point with pride to the fact that most of those are going to be largely protected.

So we can both walk out of the room with some satisfaction that after all of this time, we have reached the point where the dollar amounts are in basic agreement—I am not going to say in total agreement but in basic agreement.

So why am I not standing here saying with certainty that the government will not shut down? Unfortunately, now the House Republicans have decided this is no longer a battle over the

budget deficit; it is a battle over issues—issues that do not relate directly to the spending of our government or the size of our deficit.

One of the things they are insisting on is a group of riders that are part of H.R. 1, their budget bill, which restrict the authority of the Environmental Protection Agency in Washington to deal with environmental issues.

I totally disagree with the House Republican position on this, and they are insisting on it. I would commend to them to pick up that always scintillating volume, the CONGRESSIONAL RECORD, from yesterday and read what happened on the Senate floor. Yesterday, on the Senate floor the Democratic majority agreed with the Republican minority, and we called four amendments on the EPA. In fact, we said to the Republican leader, Senator MCCONNELL: Write your own amendment. We will call it to the floor, and we will vote on it. It was a sweeping amendment which took the authority away from the EPA when it came to greenhouse gas emissions. I think that is the wrong position, but Senator MCCONNELL had his right to offer it.

He got 50 votes in favor, 50 votes against. It failed, but we had the debate. We are not ducking this issue, I say to Speaker BOEHNER. We have faced it. We have voted on it. This Chamber has spoken on that issue and had three other debates and votes yesterday on EPA. None of those proposals got more than a dozen votes, but we have had the debate. We are not running away from it.

So to insist now, as part of any budget agreement, we accept the House position on the EPA is to ignore the obvious. The Senate has spoken. The Senate has debated and voted, and it is clear where we stand.

The second issue Speaker BOEHNER insists has to be part of this package is one that troubles me because it goes to the heart of some basic health programs for people across America. It is the title X family planning program.

Speaker BOEHNER's approach would eliminate the entire title X family planning program. How big an expense is this? Mr. President, it is $327 million.

Since 1970, title X funding has provided men and women in every State with basic primary and secondary health care, including annual exams, cancer screenings, family planning, and testing and treatment for sexually transmitted infections. In 2009, title X-funded providers performed 2.2 million pap tests, 2.3 million breast exams, and over 6 million tests for infections, including HIV. Title X services prevent nearly 1 million unintended, unplanned pregnancies each year, almost half of which would otherwise end up in an abortion.

Family planning programs such as title X not only give men and women command over their lives, they save us money. Every public dollar invested in family planning saves us almost $4—$3.74 to be exact—in Medicaid-related expenses. If we ended title X, as Speaker BOEHNER and the House Republicans insist, it would result in more unintended pregnancies and, sadly, more abortions, and it would result in more than 5 million women losing access to basic primary and preventive health care.

We are prepared to debate this. If the House Republican position is that we need to close these clinics across America and we need to eliminate access to basic primary health care to literally millions of women and men across America, I am ready for the debate. But to hold up this budget negotiation, to insist that unless the House Republican position of eliminating title X is accepted, we can't reach an agreement—we have to shut down the government? Does Speaker BOEHNER really propose we shut down the government of the United States of America unless we are willing to cut title X family planning programs and health clinics and close the doors of health clinics across America? Is that what the last election was about? I don't think so. I think the American people said in the last election: Get serious about the deficit and start working together and stop your squabbling. Those were the two basic messages I took out of it. Well, we are getting serious about the deficit because we are nearly in full agreement on the dollar cuts necessary for the remainder of this year.

I don't remember the last election being a referendum on whether poor people and children in America would have access to health care at title X clinics. H.R. 1 included an amendment from a Congressman from Indiana that barred Planned Parenthood from receiving any Federal funding, including Medicaid reimbursements, CDC grants, and teen pregnancy prevention program funding. Planned Parenthood health centers provide comprehensive care to millions of low-income and uninsured individuals each year. Forty-eight percent—1.4 million—of their patients are on Medicaid and would lose access to their primary care.

This provision is presented as a means to prevent Planned Parenthood from using Federal funds for abortion. However, Federal law already prohibits the use of Federal dollars for abortion—that is not the issue—except, under the Hyde amendment, which goes back decades now, in cases of rape, incest, or if the life of the mother is threatened by the pregnancy.

Abortion counseling represents 3 percent of Planned Parenthood's services. Yet this amendment, this rider from Congressman PENCE, would ignore that. Ninety percent of the care provided at Planned Parenthood is preventive care—cervical and breast cancer screening, family planning, sex education, and the treatment of infection.

If this amendment were enacted, most of the 800 health centers in the United States and 23 centers in Illinois, including in my hometown of Springfield, would be forced to close.

This prohibition on Planned Parenthood funding is a rider on the House budget bill that is now the stumbling block for an agreement on deficit reduction for the remainder of the year and keeping the government open. It is ridiculous that Planned Parenthood, which receives title X funding, should be such a target and should be an obstacle to an agreement.

We understand the conscience clause restrictions that are in the law when it comes to the issue of abortion. That is not what this is about. This is about family planning. And those of us who personally oppose abortion believe women should be given the information and opportunity to take care of themselves and make their own family decisions. That is what Planned Parenthood is about. This amendment would close down those clinics across America. I believe that is a move in the wrong direction.

We can work together, and we should, to deal with this budget deficit.

PAUL RYAN is a Congressman from Janesville, WI. I know him. I like him. We worked together for almost a year on the deficit commission. He is a bright, hard-working young man and chairman of the House Budget Committee. He has proposed a plan for the budget for the next 5 to 10 years. It is not a plan I agree with, but I respect the fact that he put the time in to prepare it. The reason I don't agree with it is that, unlike the Bowles-Simpson commission, the budget plan Congressman RYAN has proposed does not really deal in a comprehensive and fair fashion with the challenge of the deficit. Here is what I think and the commission believed: If we are serious about the deficit, we need to put everything on the table—everything.

What Congressman RYAN has done on the Republican side is to say we are not going to put on the table any savings from the Pentagon over the next 10 years. That is hard to imagine—$500 billion-plus a year we spend at the Pentagon and no savings? While we are cutting programs in every direction, we can't find a way to protect our men and women in uniform, keep America safe and secure, and eliminate the obvious waste of money that goes on with much of the contracting in the Pentagon? Of course we can. I am sorry Congressman RYAN doesn't see that. I do, and I believe it should be part of the conversation.

Secondly, there is no suggestion of any revenue at all as part of the solution. In fact, Congressman RYAN goes in the opposite direction and continues the Bush tax cuts for the wealthiest Americans. If we are worried about explaining to our children and grandchildren how we can leave them this debt, how can we explain Congressman RYAN's position that would have us borrow over $1 trillion over the next 10 years to give tax cuts to the wealthiest people in America? How can we explain to our children that we are going to go to China to borrow money to give tax

cuts to wealthy people in America as we cut our deficit? That is his approach. I don't think it is complete and balanced.

There is a better way. We need to look back to the Bowles-Simpson commission, the deficit commission, and we need to move forward, after we finish this debate on the budget for the rest of the year, in a comprehensive and bipartisan fashion.

For months—literally for months—I have been engaged in a bipartisan effort with some colleagues in the Senate. We are trying to come up with something. I don't think everyone will applaud it. I know some of my colleagues will hate it. But it is going to be an honest approach to dealing with the deficit for the next 10 years. It is going to have the same Bowles-Simpson goals of $4 trillion in deficit reduction and will include all of the major elements of our government in the conversation. I think that is the only way to honestly approach this. We can reach that debate once we get this immediate problem resolved.

So the point I wish to close with is this: We are at a moment here where we can resolve this issue, keep our government open, and move into the larger debate about our deficit in the years to come. It is morally a historically imperative debate, but in order to get beyond it, I hope Speaker JOHN BOEHNER, whom I respect as well, will accept the obvious. His riders on the Environmental Protection Agency were debated and voted on in principle already in the Senate yesterday. It has happened. We are not avoiding it. Second, their rider relating to zeroing out funding for Planned Parenthood under title X funding is one we will take up at some point. We are not running away from it. But it is one that shouldn't stop the function of this government. It would be impossible to defend closing down our government, and all of the hardship that would follow, over that one rider—or two riders—they are insisting on.

Let's move toward reducing the deficit, but let's also reduce the political rancor. Let's put some of these issues, which have been around for decades, off to another day. Let's make sure we consider them—and we will—but let's move forward now to keep this government open. Let the American people at the end of this week look at us and say: In the end, they got it right. We didn't like the way they reached this point, but they didn't do the irresponsible thing and walk away from their responsibilities. They accepted their duties, they kept the government functioning, and now they can roll up their sleeves and deal honestly with this deficit.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I wish to take a moment to describe to the American people and actually Members of both bodies of Congress what is going to happen to our troops and their families if the collapse of the budget negotiations forces the government to shut down. We look at charts and graphs and numbers, but let's talk about the reality.

While I am sure many understand that most government services will halt, it is also important to understand that some government operations will not shut down. In particular, our men and women on Active Duty and in the National Guard and Reserves will continue to serve, but they will do so without pay. At a time when we ask them to fight two wars, to help stay the slaughter in Libya, and to keep peace around the world, another burden is going to be added to their shoulders: They are going to be asked to do it without a paycheck.

Some of those in our Armed Forces—many of them—do not have savings to fall back on in hard times. Many family members are overseas fighting for America while their families are living back here. They are living paycheck to paycheck to pay for their groceries, to pay the car payments or the bills for a sick child or rent or a mortgage, while the other member of the family, the one who earns the paycheck, is over facing the possibility of dying on the field of battle. And now we tell them: Oh, stay right out there and fight. By golly, we are proud of you for fighting. Sorry we can't pay you. Because Members of Congress and the White House can't come together and deal, we can't pay you.

You and your family may not be able to buy groceries, or your child may not get the medical care needed, but, boy, are we proud of you; if you get killed, we will give you a medal.

Come on. Like so many Americans, some of those who serve in the military live paycheck to paycheck. They depend on their pay each month to put food on the table and keep a roof over their families' heads. Certainly, mortgage lenders are not known for accepting excuses when the monthly payments come due. But excuses are all that some Members of Congress can offer for why they will not come to the table and make sure our men and women in uniform get the pay they have earned.

This is not bumper sticker sloganeering government. This is what happens. It is so easy for people to stand up and sanctimoniously state that we are doing this for the good of the country. You are doing it and you are harming the families of our men and women in harm's way.

It is especially disturbing that the hard times that now are in prospect for our troops have been completely avoidable. The possibility of a government shutdown is very real because a relative few are willing to play politics and brinkmanship at a time when the public wants basic, unadorned statesmen. They want Republicans and Democrats to act as though they also have a stake in the course of our government. The American people want Congress to do its job, and that is certainly not too much to ask. Those who are insisting on their way or no way should pause to reflect on what their intransigence means to our troops and their families and, in fact, to every American.

The decision to put politics ahead of the American people is reckless and imposes real hardship on real people. It is crueler still knowing that some of our troops, already facing fears of death or injury and sleepless nights in forward operating bases, must now add paying the electric bill and feeding their families to their list of daily worries.

I have been with some of those troops in Iraq and Afghanistan. They have enough on their minds. They have enough they face every single hour of every single day—especially every single night. They should not have the added worry of whether their families will be able to pay their bills.

Naturally, as cochair of the National Guard caucus, I worry especially for the Vermont National Guard troops who are currently forward deployed to locations throughout the world. Many of them come from our small towns and cities in Vermont and they face these very fears.

In shutting down the government, an ideologically motivated faction in Congress is willing to breach our most fundamental pact with these men and women. We have always said, ''protect our Nation overseas, and we will protect your loved ones at home.'' Who can justify violating that pact with the men and women in uniform?

Some in Congress are already seeking cover, claiming they have put forward plans to fund the Pentagon and our troops. But, of course, even these transparent political ploys would not pay many of our intelligence personnel, our brave and dedicated forward deployed consular staff and officers and others—many of whom work side by side with our troops. Not to mention the vast number of individuals working in communities across the Nation to support our overseas operations. Every one of these dedicated public servants and every one of our troops deserves to be paid for a day's work. Our troops, their families, and those supporting them have enough to worry about without needlessly being pushed to the brink of a costly government shutdown.

I hope that, as we sit here in our plush offices, with our staff and everything we ever want, being well paid as Members of Congress, we let the reality sink in. The distinguished Presiding

Officer has spoken about this many times. The reality is that men and women—the families throughout our country—are being severely hurt. Let's not forget that.

Mr. President, we are seeing some in the other body, reacting to the ire of a minority of vocal, anti-government extremists who make no secret of their desire to shut down the government even while complaining that the government is not doing enough for them, proposing reckless cuts in programs that are vital to job creation and to national security.

Many in the other party are masters at blaming others for a budget deficit and debt they created during the last administration—self-proclaimed fiscal conservatives who, in a few short years, racked up a trillion dollar deficit by borrowing the money for two wars, something that was never done before in the history of this country. Their idea was to cut taxes for millionaires, cut taxes for companies that ship jobs overseas, cut corporate taxes, and borrow the money to pay for the wars while causing the debt to skyrocket. They burned through the Clinton era surpluses and embarked on a massive borrowing binge—and they think they can lecture us on fiscal conservatism.

Any mention of the consequences of what is being proposed is carefully avoided, but the American people should know the facts.

There are many examples. The catastrophic earthquake and tsunami and the nuclear crisis in Japan, as well as the popular uprisings and violence in North Africa and the Middle East, demonstrate once again the essential role that our Embassies and consulates and our foreign assistance programs play in protecting the safety and security of American citizens and our allies.

Our Republican friends have been urging drastic cuts to our international operations and programs, even though they, in total, comprise a mere 1 percent of the Federal budget—1 percent—and have no appreciable impact on the deficit.

Yet when a natural or manmade disaster occurs overseas and Americans are affected or an American is arrested and locked in a foreign jail, those same critics of these programs immediately expect the State Department and the U.S. Agency for International Development to leap into action.

In Egypt alone, at least 75,000 Americans were living, working and studying when that country erupted in civic unrest and airports and train stations were jammed with throngs of frantic people trying to leave the country. Thousands of Americans turned to the U.S. Embassy in Cairo. Our consular officers worked around the clock to help them, including a group of Vermont students, one of whom had lost his passport.

Just last week, another Vermont student was released after 2 weeks in a Syrian jail, thanks to the persistent diplomacy of U.S. Ambassador Robert Ford and other U.S. Embassy officials, as well as the Syrian Ambassador to the United States, Imad Moustapha, who helped convince his government that a mistake had been made. My office worked closely with them, as is customary when a constituent is in trouble in a foreign land.

As every Member of Congress knows, there are countless examples such as these, involving Americans from every State, which are not reported in the press.

As the international affairs budget faces deep cuts in fiscal year 2011 and in the future, it is important to be reminded of the invaluable assistance provided by the State Department and USAID to American citizens abroad, their families in the United States, and others impacted by foreign crises.

It is also important to be reminded that Members of Congress and the American people cannot have it both ways. You cannot on the one hand support drastic budget cuts, and at the same time expect the agencies that are losing personnel and resources to be able to respond as needed to help Americans when disaster strikes.

Today the crushing demands on the State Department for American citizen services are unprecedented. In the past month alone, the Department has issued travel warnings and alerts related to political unrest or natural disasters in six countries. Americans rely on their State Department for current, accurate travel information.

Since the earthquake and tsunami, U.S. consular officers in Japan and Washington have worked ceaselessly to assist Americans in Japan, and the U.S. Embassy in Tokyo deployed teams to the Tohoku region to locate American citizens and help them find transportation away from the devastated areas. USAID sent search and rescue teams and emergency response experts to Japan.

They were doing the same thing a little over 1 year ago in Haiti, after the catastrophic earthquake there.

As much of the world's attention has shifted to Libya, the State Department continues to closely monitor the situation in Japan, including the impact of the damage to the nuclear powerplant, and to provide updated detailed travel warnings and information for Americans considering travel to Japan.

Throughout North Africa and the Middle East, to prevent chaos and suffering at borders and surrounding areas, the State Department and the USAID have provided food, water, and other humanitarian aid to refugees and internally displaced persons.

It is regrettable that despite these realities, so many in Congress support reckless cuts in operations for the State Department and USAID. It makes no sense to wait until these agencies can no longer function effectively before we recognize that we cannot ignore events beyond our borders, and that the services Americans expect from their government cost money. In fact, the cost of everything—fuel, transport, rent, communications, and security—is going up, while budgets are being cut.

An unfortunate trend is taking hold here. Demand cuts in spending and in the taxes to pay for it, while expecting that it will not affect the government services you take for granted.

The world is a dangerous place and unanticipated disasters of every kind are occurring with remarkable frequency. American citizens are spread far and wide around the globe, and they rely on the State Department and USAID to protect their livelihoods and their security every day. For that, the people who serve in these agencies deserve our thanks and our support.

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

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

JOB CREATION

Mr. HOEVEN. Mr. President, I would like to speak this afternoon about an issue that I believe is of paramount importance to our efforts to restore America's economic vitality and to control our debt and our deficit. I would like to talk about jobs.

I wish to begin, however, by telling you a little bit about my home State of North Dakota. That is because today, while much of the Nation is greatly challenged by recession and joblessness, North Dakota is strong—arguably the strongest we have been at any time in our history. The reason is jobs.

Last week, we learned that North Dakota—at 3.7 percent—once again has the lowest unemployment rate in the Nation, a distinction we have held since June of 2008. Nationally, the picture is much different. As I speak, nearly 14 million Americans are still out of work, and the rate of unemployment is hovering at nearly 9 percent, where it has been for many months. Another 8 million Americans are underemployed, working part-time because their hours have been cut or they haven't been able to find a full-time job. Sadly, 1 million more have stopped looking.

Make no mistake, America has a budget problem because of too much spending but also because America has a jobs problem. I ask you: How do we generate revenues to help balance our budget, pay down debt, and provide the essential services people need without raising taxes? Jobs. How do we empower people to access affordable health insurance and quality health care without intrusive government programs? Again, jobs. How do we help secure Social Security and Medicare for our seniors and future generations? Jobs.

If we put 10 million of those 14 million unemployed workers back on the job, at the average national wage of about $45,000, it would generate more than $50 billion in additional revenues

for the Social Security trust fund and an additional $13 billion for Medicare every year. Obviously, that would make a huge difference for both those programs.

Clearly, to fully address our current economic predicament, we need to create jobs and lots of them. Those jobs will be created by the private sector—not by government, by the private sector. But to help our entrepreneurs and businesses create them, we must build the best business climate possible.

Ten years ago, in North Dakota, we set a course to do that. Beginning in 2001, when I first took office as Governor of North Dakota, we made conscious policy decisions that would, over time, grow and diversify our economy and create thousands of jobs for our citizens. First, we set out to build the best business climate possible, forging a legal, tax, and regulatory climate that would attract investment and stimulate innovation.

Second, we developed a roadmap for success—an economic development strategic plan that targeted industries where North Dakota holds natural advantages owing to our resources and our people.

As part of our larger strategy, we also developed a comprehensive energy policy, called Empower North Dakota, which worked aggressively to develop all of our State's natural resources and energy resources, both traditional and renewable. We even established a North Dakota Trade Office, a public sector-private sector partnership that helps market North Dakota products and services around the world to bring new dollars into our State.

As a result of these efforts, between 2000 and 2009, North Dakota's economy grew at an annual average GDP growth rate of 6.4 percent, so that by the end of the decade we had grown by 75 percent. That compares to a national growth rate over the same time period of 41 percent.

All that work to cultivate overseas markets worked too. Our exports of farm machinery, aircraft parts, biotech products, and other North Dakota goods grew by more than 300 percent in 10 years. That compares to a national growth rate of just over 60 percent. As a result, we balanced our budget year in and year out. Today, we have no general obligation debt, we have a substantial surplus, and strong reserves to secure our economic future.

Furthermore, to get there, we not only held the line on taxes, but we reduced them. We reduced property tax and we reduced income tax. Over the decade, we generated nearly 15 percent growth in total employment, encompassing almost every sector of our economy and every region of our State. At the same time, we boosted per capita income from 84 percent of the national average in 2000, well below the national average, and today we are above the national average—at 103 percent—in per capita income. We have moved up from 37th among all the States to 17th in terms of our ranking among the 50 States.

The Wall Street Journal, Newsweek, the New York Times, USA Today, the Economist, Forbes, Money magazine, even the London Times, all have written about North Dakota's progress. Joel Kotkin, in a recent Wall Street Journal piece, called North Dakota's approach ''sensible thinking'' about the economy. Last year, the U.S. Chamber of Commerce ranked North Dakota as No. 1 among all 50 States as the Nation's top overall economic growth performer and job creator and not for the year but for the decade.

The things we did in North Dakota are not unique to our State. The principles we used are based on common sense and a belief that the American economy is the engine that drives the car. We can create jobs and lift our Nation out of the financial quandary we are in if we have the will to act and if we focus tirelessly on the kinds of things that create jobs and opportunity for our people.

To do that, I would like to propose a three-part strategy to get America working again. First, we need to create a legal tax and regulatory climate that gets business investment off the sidelines and gets people back to work. Second, we need to rein in spending and control our debt and deficit. Third, we need a comprehensive, progrowth energy policy to fuel our economy, reduce our dependence on foreign energy, and create good jobs for American workers.

Let's go through each of these very straightforward recommendations, starting with the need to create a strong business climate for America with the kind of legal tax and regulatory certainty that investors need to create jobs. That means passing legislation that will eliminate or modify unwarranted or misguided regulations that are impeding business investment and stifling innovation in our country.

That effort is already underway in the Senate. Senator PAT ROBERTS of Kansas has offered a bill called the Regulatory Responsibility for Our Economy Act, which I am proud to be a cosponsor of. This bill will give the force of law to a Presidential Executive order issued earlier this year that proposes to review ''rules that may be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand or repeal them,'' in some cases.

If passed, our bill will make sure we will take a clear-eyed look at the rules and help restore regulatory certainty to the markets.

When we talk about unwarranted laws and regulations, however, we don't need to look too far into the past; we need only look to recently enacted laws that impede job creation and sap economic vitality.

Last year's Federal health care bill, for example, included a 1099 reporting provision that introduced a new level of bureaucracy and expense for America's nearly 28 million small businesses—the very engines of job creation in this country. Small businesses have created 64 percent of all the new jobs in this country over the past 15 years, and they account for more than 97 percent of all employers.

If we expect them to create jobs and get our economic engine going again, we need to reduce their regulatory burden, not bury them under burdensome new mandates such as the 1099 reform. That is why I and a bipartisan group of Senators, led by MIKE JOHANNS, signed on to a bill that just this week eliminated this onerous provision in last year's health care law and sent it off to the President for signature. I wish to commend my good friend, Senator JOHANNS, for his leadership and his hard work on this important issue.

But that is not the only feature of last year's health care bill that is undermining our business climate, driving up health care costs, and limiting choice for consumers. Punitive lawsuits and defensive medicine are inflating the cost of health care for American consumers by as much as $100 billion every year. Yet the health care bill that is now being implemented across our country doesn't reduce these costs. We need tort reform that will help make health care more available and reduce costs.

Similarly, we need to expand competition among health insurance companies. More competition will give consumers more choice and expand the pool of the insured, thus creating further downward pressure on the cost of premiums. Just as important, by reducing health care costs and the regulatory burden on American businesses, we can help them reduce costs and do what they do best—create jobs.

Competition works to our advantage not only in markets at home but in global markets as well. Another way to strengthen our economy and get job creation going again is by promoting more international trade. Smart trade agreements can restore America's competitive edge, create more income for American citizens, more opportunities for American entrepreneurs, and more foreign dollars to help balance our trade deficit and our budget.

They can also help us turn around our trade imbalances with countries such as China, South Korea, and the European Union. We have multibillion dollar trade deficits with all of them—$23 billion with China in January alone.

We can start the process of turning these deficits around by ratifying impending trade agreements with South Korea, Colombia, and Panama that have been languishing for 3 years.

Our trade imbalance with South Korea alone last year was $10 billion, but the agreement awaiting approval right now could create up to 250,000 American jobs. On the other hand, if we fail to act, we stand to lose 380,000 jobs to the European Union and Canada, which have already completed

their own trade agreements with those countries.

With bipartisan support for these agreements, there is no reason for further delay. We need to act.

Empowering American businesses and entrepreneurs to do business around the world is just common sense, and that common sense is precisely what we need to apply to all our Nation's challenges. I can give you a good example in my home State of North Dakota. Right now, we are facing serious flooding in the Red River Valley, and for some time we have been working to fight chronic annual flooding in the Red River Valley, which includes the city of Fargo, one of our region's most dynamic economic engines.

Part of government's role in creating private investment and economic development is securing and protecting infrastructure so businesses can thrive. In the case of Fargo and the Valley, the Federal Emergency Management Agency—FEMA—has found it necessary to buy out houses in that area because it is more cost effective than protecting them year in and year out.

When the Agency buys out a property, however, it has a hard-and-fast rule prohibiting building structures on that property—even flood mitigation structures—to prevent development that might require future protection from flooding. It is a reasonable ban in some, maybe in many, cases but certainly not in all.

As a consequence of the rule, every year the Federal Government helps to pay to build temporary levees to protect homes along the Red River, and every year we are compelled to tear those levees down again after the flood, at great expense to the government and, ultimately, of course, great expense to the taxpayer. Everyone knows that permanent dikes would clearly be more cost effective and save money for the local, State, and Federal Government. Residents know it, FEMA knows it, local officials know it. But under current law, there is nothing they can do about it.

That is why I will be introducing legislation called the FEMA Common Sense and Cost-Effectiveness Act of 2011, to give the Agency the flexibility it needs to make commonsense decisions in these cases. Building those levees once and leaving them in place will provide better flood protection for people and for property, better fiscal stewardship, and save taxpayer dollars.

That is important. Because good fiscal stewardship is now a matter of pressing, decisive consequence for America's future. That is why the second thing we need to do, of no less importance than building a good business climate, is to reduce spending.

We need to control spending by the Federal Government. Here, the numbers speak more clearly than words. Revenues this year are projected to be—revenues, now—$2.2 trillion. At the same time, current spending by the Federal Government is more than $3.7 trillion, leaving a deficit of $1.5 to $1.6 trillion.

To meet that shortfall, we are borrowing 40 cents of every single dollar we spend, and our debt is growing at the rate of $4 billion a day. Every dollar used to service the national debt is a dollar that will not be used to build America's infrastructure, that will not be used to keep Social Security solvent, that will not be used to reduce taxes on American businesses so they can create jobs and raise the standard of living for American workers. That is why I and 63 other Senators—32 Republicans and 32 Democrats—sent a letter to President Barack Obama earlier this month urging him to show leadership in those efforts to achieve comprehensive deficit reduction.

It is also why I and 46 other U.S. Senators announced last week that we were cosponsoring a bill to create a balanced budget amendment to the U.S. Constitution. I thank our leader, Senator MCCONNELL, for leading that effort. Nearly all States have been bound for years by a constitutional provision to keep spending within their means. This amendment requires that the Federal Government do no less. It would cap spending and balance our budget, but it also allows an appropriate exception for times of war. At the same time, it provides a transitional pathway to implement the law and protect programs such as Social Security and Medicare for our seniors and future generations of Americans.

To put this into perspective, the cost of serving America's debt over the next 10 years under the President's proposed budget—$992 billion—is more than the entire Social Security deficit for the decade, which is about $600 billion. In fact, fixing our debt and deficit involves not only setting priorities and cutting discretionary spending, which we are already working hard to do and we need to work hard to do, but also addressing the three entitlement programs: Social Security, Medicare, and Medicaid, which account for more than 60 percent of Federal spending. We need to undertake a bipartisan effort to reform these important programs in a way that safeguards our seniors and other vulnerable individuals now while protecting the solvency of these programs for generations to come. We need our President to engage with us in this process. We can do it, we must do it, and we need to start now.

My third recommendation is that we begin the process of building a comprehensive energy policy for the Nation, an ''empower America'' plan, if you will, that promotes the development of all of our Nation's vast energy resources, both traditional and renewable. Creating a comprehensive energy policy is especially important because our entire country—our entire economy and consequently job growth—depends on affordable and abundant energy.

A few weeks ago, the U.S. Chamber of Commerce released a study identifying 351 stalled energy projects nationwide that are costing the American economy $1.1 trillion in lost economic impact and, more importantly, nearly 2 million jobs annually. By impeding our energy industry, we are impeding one of the most potent areas of prospective job growth. Yet Congress has not passed a comprehensive energy policy in our country in years, and frankly I don't know that we can wait any longer for that single sweeping master plan that will do it all at once. We need to build it as expeditiously as we can.

In North Dakota, we built Empower North Dakota over a decade, piece by piece, and saw firsthand the power of energy development to boost our economy. By embracing Empower North Dakota, our State alone has realized $12 billion in new energy-related investments since 2005. With the right kind of energy policy, imagine what the impact would be for our Nation.

To expedite the process of building that energy policy on a national level, I am working with Leader MCCONNELL and the entire Republican Conference to create the kind of legal and regulatory climate our country needs to jump-start America's energy sector and create jobs. For example, this week, I, along with other Senators, cosponsored an amendment introduced by Senator MCCONNELL to the small business authorization bill. Based on legislation offered earlier this month by Senator INHOFE, which I and others cosponsored, this legislation sought to curb the EPA's authority to regulate greenhouse gas and encourage domestic energy development. A permanent measure such as this is needed to provide the certainty businesses need to make billion-dollar investments in new energy projects and, more importantly, create the good-paying jobs a robust energy sector can provide our country. Our measure won 50 votes yesterday but failed to gain the 60 necessary for passage.

We need to continue to work with our colleagues across the aisle to pass this legislation or legislation like it because impeding the energy industry is not a Republican problem or a Democratic problem, it is an American problem. It is a challenge we need to step up to and solve. That is why, in a similar bipartisan effort, I am working with Senator JOE MANCHIN to support the EPA Fair Play Act to create more certainty and more energy investment for our country.

I have also asked the Energy Information Administration to conduct a focused analysis of regulations that could be impeding the development and growth of the Nation's domestic energy production in an effort to find more ways to create rules of the road that will encourage energy companies to invest billions and to build our energy future in America. Increased domestic energy production is a three-fer. We not only promote economic vitality, but we reduce our dependence on foreign sources of energy and we create jobs.

The reality is that we can do all of these and more. We can provide a commonsense legal and regulatory environment, a favorable business climate for our industries. We can build a comprehensive energy policy that leverages all of our vast energy resources together with good environmental stewardship. We can reduce spending, and we can live within our means. We can pay down our debt and leave our children a strong financial legacy instead of a large debt. These are all things we can do and we must do for our Nation. We need to work together, my fellow Senators, to do just that, for the strength and financial well-being of our country today and for the benefit of future Americans for generations to come. The future is truly in our hands.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The minority leader.

Mr. MCCONNELL. Madam President, I congratulate the junior Senator from North Dakota for his initial speech here in the Senate and say to all of our colleagues that it should be no surprise that he was sent here by the people of North Dakota by an overwhelming margin. During his 10 years as Governor, the State enjoyed extraordinary success. At a time when many States were struggling financially, North Dakota had bulging surpluses and low unemployment, almost entirely as a result of the outstanding job then-Governor HOEVEN did in representing the people of North Dakota. So, as I say, it is no surprise that they sent him to join us here in the Senate by an overwhelmingly large majority, and I congratulate him on behalf of all of our colleagues on his initial speech.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I, too, rise in congratulating the Senator from North Dakota on his maiden speech. I have known then-Governor HOEVEN for quite some time. His wife and my wife have been very good friends.

What you heard is basically a background of the success he has had in the leadership of his great State. What you don't know is his ability to reach across the aisle in a bipartisan manner.

I can only say that JOHN is a dear friend, and JOHN is the type of personality we need in this body to mend this partisan gridlock in which we find ourselves. I cannot tell you how pleased I am to still be a colleague of his, and I look forward to many years of success working together, reaching out, finding the problems we have, addressing the problems, and then, like a good Governor, taking them on and making some good decisions, as he has done so well in North Dakota.

So, my good friend, it is so good to have you here. Congratulations.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TESTER. I ask unanimous consent that the order for the quorum call be rescinded.

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

BUDGET NEGOTIATIONS

Mr. TESTER. Madam President, this week I got an e-mail from a first grader in Missoula, MT, 7 years old. Her note read:

> Senator Tester, please pass a budget so that I can go to Yellowstone National Park this weekend, or at least wait until Monday to shut down the government.

I get a lot of letters and calls reminding me what is at stake. Yet some of our colleagues continue to put politics ahead of doing what is right. I will always remember that e-mail from Missoula. Even 7-year-olds expect us to get our job done. They expect us to work together to pass a budget. They expect us to work together to make responsible cuts. They expect us to make sure we don't put our government and the entire economy on life support. That is exactly what will happen if some in Congress let the government shut down. They will fail all of us.

If drawing a line in the sand becomes more important than working together, I think that is a shame. Of course, we can't afford the status quo either. We all know the problem. Everyone wants to point fingers. I could spend my time pointing at those who thought it was a good idea to put two wars we are fighting on the taxpayers' credit card or those who squandered a $128 billion budget surplus in a matter of months about 10 years ago. But I will leave it at this: Our debt and spending problem is not something that we got into overnight, and it is not something we will get out of overnight.

It is not going to be fixed by slick talking points ginned up by Washington, DC, consultants. It will not be fixed by symbolic gimmicks. It certainly will not be fixed by irresponsible decisions such as ending Medicare as we know it. It will not be fixed by gutting student financial aid or physical infrastructure. Those create jobs now when our economy needs it the most.

Our spending and debt problem will be fixed by embracing a responsible, credible, long-term strategy to cut our debt; to cut spending, discretionary and mandatory—right now we are talking about cuts to only 12 percent of the budget known as discretionary spending—to strengthen our entitlement programs so they work for future generations; to reform our Tax Code so it is fair and sustainable; and to cut our defense where we can afford to cut.

We owe it to all Americans to get the job done. But we owe it to them to get the job done responsibly, and that is going to require some buy-in. But we have done it before.

During the Great Depression, people endured incredible sacrifice. But they had inspirational leadership to challenge them to grow their way to prosperity. In World War II, they worked together and made sacrifices at home to build the machinery that helped us win victory. That momentum also created a powerful middle class. The attacks of September 11 brought us together again, and again we grew strong.

When we work together, we succeed. It is in our DNA. It is what makes us the strongest, most innovative nation in the world. Now we have to summon that strength and determination again, to lead our way out of our economic challenges. It will not happen with gimmicks. It is going to take responsible decisionmaking, compromise, and shared sacrifice.

Several of our colleagues in the Senate are already leading the way. I compliment Senators CHAMBLISS, COBURN, CONRAD, CRAPO, DURBIN, and WARNER. They are working on a bipartisan strategy to cut debt and cut spending. Their plan will include cuts to discretionary spending. It will make our entitlement programs stronger. It will propose cuts to defense spending. And it will include tax reform.

Last year, Senator Alan Simpson and Erskine Bowles led a bipartisan commission in outlining a smart, long-term, credible strategy for cutting debt and spending. Senator Simpson and Mr. Bowles say they had 14 reasons for volunteering their time on the Debt Commission. Between them, they have 14 grandkids.

While I may not embrace every component of their plan, I applaud their hard work, their leadership, their patriotism. Their hard work is a solid blueprint we are already building from. I am ready to join them, and so are many of us in this Chamber. We need to do it.

Montanans are patriots. They are ready and willing to follow our lead in providing a fair Tax Code that provides certainty and fairness. They are willing to share in the pain of responsible spending cuts that will not take our economy backwards. They know we can afford to make cuts in defense. They know we need to fix—but not dismantle or privatize—our entitlement programs.

What is the alternative? Well, we may find out the hard way if folks are not willing to work together to reach agreement by midnight tomorrow. Shutting down the government means our troops in Iraq and Afghanistan will not get their paychecks on time—even though they will still be serving us.

This week, I heard from a soldier deployed in Afghanistan. He said he would be OK in a short shutdown because he has some savings. But if their paychecks stop coming, a lot of his fellow soldiers will be hurt. Many have lower ranks. Many have pressing financial obligations such as mortgages and car payments, kids to take care of. They would get the short end of the stick.

We have a duty to make sure the people who fight for us in harm's way do not have to worry about something as simple as getting a paycheck. That is why today I signed on to an important piece of legislation to ensure American troops on active duty continue getting paid if the government shuts down.

But Members of Congress are a different story. If the government shuts down, we do not deserve to get paid, plain and simple. I want to say thanks to my colleagues for unanimously approving our measure to prevent congressional pay during a shutdown. Now the House needs to follow our leadership. If they fail, and if I still get a paycheck, I am going to give it back.

A shutdown also means the government does not honor business contracts. That would cost jobs. It means the IRS suspends refunds. A Republican shutdown means new home loan guarantees will stop. It means the SBA stops approving business loans. Patent processing will be suspended. And it means Social Security, Medicare, and veterans' benefits checks could be delayed. Right now, in Montana, there are 1,240 veterans' benefits claims that are outstanding. If the government shuts down, those 1,240 veterans' claims cannot be addressed, and a 7-year-old in Missoula, MT, will not be able to see her national parks this weekend. We cannot afford that. Nobody deserves it. We can do better, and we will.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. 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. VITTER. Mr. President, a few weeks ago, as we were debating whether to move to this bill now on the floor, I sent a letter to the distinguished majority leader, Senator REID, and I was joined by several of my colleagues. We made a real simple point. The simple point was this: We have a spending and a debt crisis. We need to act and we need to act now. So rather than continue to bring up various cats and dogs bills, various matters that aren't related to that crucial, central spending and debt question before us, we should focus on the task at hand. We should focus on our greatest challenge: meeting this spending and debt challenge.

Unfortunately, the distinguished majority leader did not heed that call. He proceeded with this bill. For the reasons I outlined, I and the other signatories of the letter voted against moving to this bill. Unfortunately, now, as we are on the eve of a potential government shutdown, I believe what has transpired has sort of made my point again. Why haven't we been focused on that crucial spending and debt challenge like a laser beam, to come together, to offer sensible solutions to avoid these eleventh or even twelfth hour negotiations? Because here we are and here we go again: Another crisis, another eleventh or twelfth hour negotiation; another potential government shutdown.

While I am sorry we didn't focus like a laser beam on this central challenge sooner, now that we are here, I come to the floor to urge my colleagues to do what is reasonable and sensible and adopt what the House of Representatives is about to adopt, which is a plan to at least keep the government functioning smoothly for another week as we try to resolve the situation for the entirety of the remainder of the fiscal year.

So I strongly support this 1-week continuing resolution that I believe will very soon pass the House. We all say we are against an unnecessary government shutdown. I certainly say that and mean it. If we all say it, and if we all mean it, I believe we will support this sensible measure as we try to come to an agreement—all of us—on a plan for the remainder of the fiscal year.

This 1-week CR would keep the government functioning smoothly. It would avoid those disruptions and threats that are concerning to many Americans. That sensible, commonsense plan would also offer significant cuts to the current level of spending, $12 billion of cuts.

What is important is those cuts are not very controversial. They come out of proposals mostly from the Democratic side. They mostly come out of the President's own budget proposal or the Senate Democratic plan for cuts or a series of nonpartisan suggestions made by the Congressional Budget Office. So I think it is reasonable to look to those sources of proposed cuts and work from those lists, and that is what this proposal does.

The only other matter included in the proposal is two relatively noncontroversial so-called riders: one about Guantanamo Bay, which is pretty much current law right now because of language in the Defense authorization bill, and a second regarding abortions performed in the District of Columbia.

With regard to that second rider, again, this should be relatively noncontroversial, particularly since this very language was in full force and effect from 1996 until 2009. It was the law for that extended period of time. President Bill Clinton signed that ban into law six times. President Barack Obama signed that very language into law in 2009. Vice President JOE BIDEN voted for the legislation, including this DC abortion funding ban language, seven times since 1995. Even minority leader NANCY PELOSI on the House side voted for legislation including this language 14 times. Here, the distinguished majority leader, Senator REID, voted for legislation including this language 10 times since 1995.

So, again, this is not extremely controversial, and it is certainly no reason to shut down the government. So, in summary, I am sorry we haven't been focused on this central challenge and this central issue for the last 2 weeks as I had urged along with my colleagues. I think we should focus like a laser beam on spending and debt, and I think we should have been doing that for the last several weeks rather than bringing the bill before us onto the floor. But we are where we are.

Given that, I hope we will do the reasonable, commonsense thing and continue negotiations for the rest of the fiscal year, but, in the meantime, pass the 1-week measure about to be passed by the House of Representatives. It continues the operations of the government. It also funds the Department of Defense for the entire fiscal year. It takes what should be beyond politics off the table. It protects our military. It gives full funding for our military men and women. It gives them certainty. We should all be for that. It cuts $12 billion from current funding levels but takes the vast majority of those cuts, again, from the President's own list, from Senate Democrats' own list, and from a nonpartisan list from the Congressional Budget Office.

It only includes two so-called riders which have been granted wide acceptance in the past, including being passed, voted on, and supported by Senator REID, NANCY PELOSI, Barack Obama, JOE BIDEN, and others multiple times since 1996. That is a reasonable path forward. That is a responsible way to prevent a government shutdown as we continue to negotiate for an overall resolution of this matter for the remainder of the fiscal year.

I hope all of us, Democrats and Republicans, will listen to the American people and do the reasonable, commonsense thing and move forward in a reasonable way as we negotiate on broader issues in good faith. I hope we will pass this 1-week measure at a minimum right now as we continue to look for an overall resolution for the rest of the fiscal year.

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

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered. The Senator from New Jersey is recognized.

Mr. MENENDEZ. I ask unanimous consent to speak as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 15 minutes.

Mr. MENENDEZ. Mr. President, I rise to express my strong concerns about the direction Republicans and the tea party want to take our country, beginning with an irresponsible

Government shutdown simply for the sake of pursuing a social agenda and continuing their reckless budget plan that will devastate seniors and those most vulnerable over the next decade while rewarding millionaires with even more tax breaks. I look at this Republican budget put out by Chairman RYAN and it is a proposal that takes $1.5 trillion out of health care for seniors and children and gives it to the wealthiest, but it does not even limit subsidies for special corporate interests or big oil. In so doing, it fundamentally resets our values and turns back the clock on the progress we have made to protect our parents and grandparents, seniors and children in this country and keeps the playing field reasonably level.

But even before that discussion, I wish to make a few things clear about the implications of shutting down the Government and what we on this side have already cut from the President's budget to reach an agreement. We started this year with $41 billion less in spending than the President requested. Plus, in March we cut another $10 billion below last year's funding levels, including the complete elimination of 33 Federal programs. In total, we have offered $33 billion in cuts for the remainder of the current funding year, which ends in September.

But the most radical elements of the Republican Party will not take yes for an answer. They say we have not come far enough, which in tea party terms means we have not given them everything they want. So they will shut down the Government rather than take yes for an answer.

I saw a picture on the front page of one of the papers with a tea party banner that said: ''Shut her down. Shut her down.''

I thought we were here to make sure we kept the Government going. It is clear their real reason for shutting down the Government is to promote a social agenda that is not acceptable to the broader part of the country. They are willing to shut down the Federal Government, put our economy, our small businesses, our veterans at risk and potentially delay tax refunds for millions of American families, all simply to make a political point and to try to impose the social agenda of a minority on the majority.

Shutting down the Federal Government over a woman's right to choose or the Federal Government's ability to enforce laws that protect our children's health, in my view, takes irresponsibility to a whole new level. Even the Speaker of the House himself has said a shutdown will ''end up costing more than we save.'' The Speaker is right. It would cost about $8 billion every week or .2 percent of GDP every week the Government is shut down.

The Speaker is right on the substance, but he has not yet been willing to lead and deal with the tempest in the tea party on his right, threatening to cut this economic recovery short to satisfy a narrow, rightwing political agenda.

At a time when small businesses are just beginning to get access to capital they need to create jobs for American families, a shutdown will result in $400 million in capital each week not going to small businesses through the SBA loan program and will throw the engine of small business job growth into neutral when we want it to be in overdrive.

In the last shutdown, more than $1 billion in small business loans to 5,200 businesses were delayed, so we know what small businesses are in for if we have another shutdown. This is not the time in our recovery efforts to say no to helping small businesses put people to work.

In housing, the FHA loan process, which accounts for 30 percent of the housing market, will be interrupted just as we enter the height of the spring home-buying season in my State of New Jersey. With prices low and so many houses on the market, this is not the time to prevent 15,000 homeowners from getting a home loan every week, more than half of which are for new home purchases that would reduce the inventory of the surplus properties.

Now, because Social Security is a mandatory funding program, seniors and the disabled will continue to receive their checks. But if we let the tempest in the tea party shut down the government, interruptions at the Social Security Administration could delay changes in people's benefits and payments. In just 4 days of the last shutdown, 112,000 new claims for Social Security retirement and disability benefits were not taken and over 800,000 callers were unable to reach the Social Security Administration. Certainly in this economy, this is not a time to leave those who rely on Social Security with nothing.

With the tax season upon us, it is certainly not the right time to delay tax refunds families are anxiously awaiting in order to make ends meet, put into the economy, and help the recovery keep going.

It is not the time to shut down 368 National Park Service sites, the Smithsonian, the Statue of Liberty, the monuments, museums, and national parks across the country which, in the last shutdown, lost 9 million visitors and the tourism revenues to those communities. Given that our last shutdown occurred in the dead of winter, we can expect a shutdown in the midst of spring breaks and high tourist season to have a much larger impact on tourism revenues and the wallets of families who have already booked trips to national parks and planned visits to national monuments and museums. To put it in context, if we shut down the government for 5 weeks, we could lose up to $1.2 billion based on the $12 billion visitors brought to the national park communities last year.

If the tea party continues to insist on a government shutdown, military paychecks would be delayed at a time when military families are struggling with multiple deployments and struggling like everyone else to make ends meet. They will ultimately get paid but only when the shutdown is finished. In the last shutdown, more than 400,000 veterans saw their disability checks delayed. Now, let's not repeat that mistake when more of our wounded sons and daughters are returning home from two wars raging abroad every day.

If the tea party continues to insist on a government shutdown, clinical trials of lifesaving drugs will be halted and new patients will not be accepted into clinical research programs at the National Institutes of Health.

If the tea party continues to insist on a government shutdown, they will put our entire economy at risk. As a matter of fact, business leaders have said that a shutdown could result in higher interest rates and chaos in the markets. Every week, 350 import licenses could be delayed, resulting in holding up billions of dollars in American exports at a time when we need those exports to help fuel the recovery. During the 1995 shutdown, $2.2 billion in U.S. exports could not leave the country because thousands of export licenses could not be issued.

Ivan Seidenberg, the CEO of Verizon, who is also the chairman of the Business Roundtable, said:

> I don't think any of the CEOs would welcome a government shutdown. Problems for business would run from contracts being postponed to disruptions in the supply chain.

John Engler, president of the Business Roundtable, said:

> Business would face the danger of the law of unintended consequences. Interest rates could rise and there could be turmoil in financial markets.

This would all happen because Republicans, being held hostage by tea partiers, have rejected $33 billion in spending cuts for this year because they did not get all they wanted, because they are not getting their way on unrelated, extraneous social issues such as women's reproductive rights and enforcing laws on our books to protect our children's health. They simply will not take yes for an answer because yes on spending cuts is not really their only goal. Spending cuts is not why they are trying to shut the government down.

I would remind our colleagues that democratic governments are not about total victory. Authoritarian governments do that, not democracies. In democracies, we are all fairly elected to represent our constituents. We all have a view. We all have a vote. We all have an obligation to govern and legislate for every American, not just for those who hold the views of the tea party. With all due respect, tea partiers claim to love our right to free speech and yet clearly do not believe anyone's views other than their own are acceptable.

I say to our colleagues, we all have deeply held beliefs. Defending them and shouting them from the rooftops is

easy, but listening to those who disagree with us and working on the differences is the hard work of government.

I remind my colleagues on the other side that the word ''congress'' is derived from a Latin verb meaning ''to walk together.'' We have already made cuts to the President's budget. We have already made real cuts in this year's spending. We have offered a reasonable compromise that seeks even more cuts but, more importantly, a compromise that seeks common ground, not capitulation, and neither should our colleagues expect capitulation. All we ask is that those on the other side do what is right and act in the broader interests of the Nation, not shut down the government, disrupt services, and put the economic recovery at risk, all to satisfy a narrow political agenda.

I know there was a lot of fanfare on the Republican budget proposal that was put out as we look to the next fiscal year. In my view, it is by far one of the most partisan, ideological, and fundamentally destructive budgets I have seen in my time in Congress—destructive of fundamental protections for every American and for what we have come to accept as fundamental protections that are uniquely American.

It fundamentally takes $1.5 trillion out of health care for seniors and children, and it gives it to the wealthy. It would take health care from seniors and children rather than take subsidies from special corporate interests such as big oil companies. If Republicans got their way, New Jersey residents would lose $34 billion in health benefits, and almost 400,000 New Jerseyans would see their coverage cut entirely.

The Republican proposal talks about cutting taxes, but in reading it, I find only two groups whose taxes would be cut: the rich and those who are even richer. Corporations and millionaires and those soon-to-be millionaires will keep all of their recent tax giveaways and would actually see their tax rates slashed by 30 percent. This proposal loses $700 billion on the revenue side over the next 10 years by extending the Bush tax cuts, particularly to the wealthiest in the country, and trillions more by slashing tax rates for corporations and millionaires. Those making more than $1 million a year will see tax cuts of $125,000 each from the tax cuts and tens of thousands of dollars more from proposed rate cuts, while people in my State would lose $34 billion in health benefits, and 400,000 New Jerseyans end up without health coverage at all.

This budget proposal shifts the balance to the wealthy and makes cuts that do not reflect our values as a people and as a nation. At the top of the list of Draconian Republican cuts is Medicare. Let's for a moment look at the logic of the Republican budget proposal when it comes to Medicare, a program that since 1965 has protected seniors and made sure no older American would be without health care when they need it the most.

In 1965, we passed Medicare. Why? Because senior citizens could not get health insurance. And the reason health insurance companies would not take the risk of insuring older Americans, who, logically, would need to see doctors and receive treatment more often than younger Americans, is rather clear. Even if there were such a plan, the cost would be prohibitive for a senior on a fixed income. So we created Medicare, and today it is one of our most successful programs. No senior is left without access to lifesaving, life-enhancing drugs or the care they need.

What are the Republicans proposing in this budget? They are proposing to end Medicare as we know it. In fact, they want to privatize Medicare, and they say their privatization plan is just a way of asking wealthier seniors to pay more. But let's ask ourselves, logically, how much do we think an insurance company will charge in premiums to a 65-year-old American male who may have had a heart attack or heart ailment or suffers from diabetes. How outrageous do we suppose the premium will be, and how much of a voucher will that 65-year-old American need to purchase even a minimal health care plan? That logic escapes me. Today, buying a private plan on the open market for a self-employed, middle-age couple can cost as much as $18,000 a year. The average retiree in America is living on about $19,000 a year. So, again, the logic escapes me. The fact is, this proposed privatization plan for Medicare completely overlooks the history of why we needed Medicare in the first place. It illogically assumes insurance companies will provide quality health care coverage at a huge discount to older Americans. If that is not wishful thinking, I don't know what is.

Let me close by simply saying that it is time to make sure this government stays open, it is time to make sure we don't thrust the economy backward, and it is time to ultimately ensure that those who have given service to this country, such as the men and women in uniform, don't get hurt, and that we do by coming together on a reasonable budget.

EXTENSION OF MORNING BUSINESS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that there be a period of morning business until 5 p.m., with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Utah.

BUDGET NEGOTIATIONS

Mr. LEE. Mr. President, I could not agree more that we should not have a government shutdown. I could not agree more that we need to take steps to protect and improve our economy. I could not agree more that we need to take steps to make sure our brave uniformed men and women are fairly compensated and otherwise treated. I must, however, express my profound, albeit respectful, disagreement with my colleague, the junior Senator from New Jersey.

This is not a possible shutdown that we are facing as a result of the Republican Party or as a result of the tea party. As a lifelong Republican and as a founding member of the Senate Tea Party Caucus, I can tell you unequivocally that there is not one member of this body, nor is there one member of the Senate Tea Party Caucus who wants a government shutdown, certainly no Republican. From the outset, Republicans have attempted to bring forward proposals to make sure we do not get into a shutdown.

The question we need to ask ourselves is, Why does the President of the United States, President Barack Obama, want a government shutdown? Let's ask a few questions.

Why was it that a few months ago, after the election but before the new Congress took over, when the President had both Houses of Congress under the control of his party, why did he opt not to pass a full budget for fiscal year 2011? That was the first seed he sowed in the direction of a government shutdown. I submit it was one that was either irresponsible on the one hand or deliberate and malicious on the other, intending to bring about a sequence of events that would culminate inevitably in a government shutdown.

No. 2. Even after the new Congress convened, after the balance of power shifted completely in the House of Representatives and after a number of seats in this body shifted and the new Congress convened in January of this year, the President did not bring forward something that could attract both Houses of Congress to approve and that he could fund the government with for the balance of the year. He instead chose to operate on a series of continuing resolutions. We are now moving up against what I believe will be our seventh continuing resolution if it is passed. What we have from the President is radio silence in the direction of what we need to do to move forward.

A number of us have suggested all along in this process that at a point in time in America when we have a national debt approaching $15 trillion, at a point in time when we are adding to that debt at a staggering rate approaching $1.7 trillion a year, it does not make sense and it is not responsible to continue, even in small increments, perpetuating that degree of reckless, perpetual deficit spending.

What we want to see more than anything isn't any specific set of social issue legislation. It is not any specific degree of spending cuts. It is instead a plan, some plan that will move us in the direction of a balanced budget, that will put us on track so we might once again enjoy the benefits of a balanced budget, so we might again enjoy the

day and age when we don't have a debt-to-GDP ratio well in excess of 90 percent. We know when we have a debt-to-GDP ratio in excess of 90 percent, it slows economic growth by as much as half every year, costing our economy as many as a million jobs every single year. This ultimately is about jobs. Our sprawling debt kills jobs and kills economic growth necessary to create jobs.

So, no, this is not a quixotic quest for perfection. This is a quest for that which will suffice to get us back on track toward fiscal responsibility.

I mentioned two seeds the President has planted to lead to a shutdown, the first being his refusal to push through a budget for the entire year, fiscal 2011; the second being his reliance on continuing resolutions. The third seed he sowed, one I am not sure we will be able to get around this time, much as we wish to, is his threat in the last hour or two, his promise to veto the continuing resolution the House is expected to pass this afternoon. It may have passed moments ago. He is threatening to veto that before it even gets over here. One must wonder, why does the President want a shutdown.

We have to remember, these are not drastic changes that have been proposed. In fact, they are not even sufficient to get us back on track so we can say this heads us in the direction of an eventual balanced budget. These are minor cuts. Yet the President insists on moving us inevitably, inexorably in the direction of a shutdown.

While we are on the subject of addressing a false blame placed on the Republican Party and the tea party, I care to address the accusation made by various of my colleagues, an accusation I believe made in ignorance and that, in any event, is manifestly incorrect with regard to the tea party. This is a movement whose views are not extreme. What is extreme is a $15 trillion debt we are adding to at a staggering rate of $1.7 trillion a year. That is extreme, as is what has happened in the last few years, including the U.S. Government takeover of everything from our banking industry to auto manufacturing to our health care industry. Those things are extreme.

The tea party movement is something that is shared by many Americans, regardless of whether they appear at a rally of any kind. It is a spontaneous grassroots political phenomenon that simply recognizes our Federal Government has grown too big and has become too expensive.

We need to do something about that. Many of us who consider ourselves part of the tea party movement and believe the best solution, perhaps the only solution, is to return to that 223-year-old founding document we call the Constitution, look to those powers that are identified as something within the exclusive ability, the exclusive power and control of the Federal Government. The more we do that, the more we believe we can turn to constitutionally limited government of the sort that can operate on a balanced budget.

This is not necessarily even a politically conservative movement. It is neither conservative nor liberal. At the end of the day, it need not be Republican or Democratic. It is simply American. It recognizes this country was founded upon the principle that national governments, as they become large and powerful, have a certain tendency toward gaining an excess of power and spending an excess of money, and to prevent a form of tyranny. A national government can function best when it has limited enumerated powers of the sort we granted the Federal Government a couple of centuries ago, powers including things such as national defense, establishing a uniform system of weights and measures, regulating trademarks, copyrights, and patents, and so forth. Included in that list we won't find anything about a government takeover of health care or manufacturing industries or the banking industry.

This is neither liberal nor conservative, neither Republican nor Democratic, and it certainly isn't extreme. It is simply American. It is what makes us great. It is part of what has created the strongest economy and the greatest civilization the world has ever known. At the end of the day, as those who have planted quite deliberately the seeds for an inevitable shutdown seek to blame others, we have to remember the seeds they have sown, and we have to be willing to cast blame where blame is due.

The blame here cannot and, as long as I am standing, will not be placed at the feet of the Republicans or of the tea party. We do not want a shutdown. We will do everything we can to fight against it. If we have one, it will be because the President of the United States and members of the other party in this august body have refused to put forward a palatable, defensible budget.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I associate myself with my colleague from Utah. I appreciate the clarity of his remarks. I wish to add to them.

I am glad we have some folks here today listening in. There is probably no other place in the country we can hear so much nonsense as we will hear on the Senate floor today. Unfortunately, we just heard that from the colleague before my colleague from Utah.

The House just passed another resolution to fund the government, fund the military for the rest of the year, pretty much at a figure we have all agreed on. It includes funding for 1 week to keep other aspects of the government open, and it makes some very modest cuts to our budget. Most of these have been agreed to in advance. But there seems to be one sticking point. This bill would prohibit using taxpayer money to fund abortions in DC.

My colleague who spoke a minute ago said this is an invasion of reproductive rights. I am here to tell colleagues that no one has a reproductive right to use somebody else's money for an abortion. That is all this is about. Not only taxpayers' money, but we are borrowing money to do something at a time when the country is nearly broke that Americans disagree on, and it violates the conscience of many Americans.

But my colleagues on the other side have decided to make this the crucial issue. Either Republicans agree to use taxpayer money for abortions or they are going to shut down the government. And they say we are emphasizing social issues. This is not just a social issue. It is an American issue. Even people who support abortion support the idea that taxpayers should not be forced to pay for it. It is a small request. The cuts are small. But it is clear, as the Senator from Utah just said, this shutdown has been planned by the President and the Democratic majority for a long time, believing they can win the PR battle, thinking that Americans are too stupid to figure it out. I am confident, as we go into this, that Americans are much smarter than my Democratic colleagues. I think they are going to figure out how irresponsible the President has been, how much lack of leadership there has been in the Senate, trying to blame Speaker BOEHNER in the House who controls one-half of one branch of government for a shutdown, when last year, when the President controlled the whole government, we didn't pass a budget. We didn't fund any aspect of government. This landed in the lap of a new Congress which still includes a Democratic majority here in the Senate.

There has not been one bill from the Senate that the Democrats agree on. The President has not sent down one funding request we could vote for. We don't have a bill proposed by Senator HARRY REID today that we can vote for to keep the government open. Yet he is saying what the Republicans on the House side are sending over is not good enough.

The House just passed another bill. Fifteen Democrats voted for it. If we had 15 Democrats in the Senate who were reasonable, we wouldn't have to deal with this ridiculous, irresponsible government shutdown. I don't know what else Republicans in the House could do. They sent over, over 40 days ago, a bill that would have funded the government through the rest of the year with very nominal cuts. It was set up to fail in the Senate. We have yet to have hardly any debate on the issue. During all this time we have spent less than 3 hours of debate on the most important issue in the country. We spent the last couple of weeks on a small business bill. I bet no American could tell us what we are even talking about. Before that we spent a couple of weeks on a patent bill—anything we could do

to avoid the responsibility of debating the most pressing issue in this country.

I also have to take issue with what the Democrats are trying to do with the tea party. I remind them that many tea party members are Democrats. They are Independents. They are Republicans. Many of them have never been involved with politics before. Many are Hispanic and African American. They are all Americans. But they are concerned about our country. They seem to be able to do something we can't do here. They add and subtract. They understand we can't keep spending more than we are bringing in and expect the country to survive. We even brought up a resolution—the Senator from Utah did—to have a sense of the Senate that we should balance our budget. Just about every Democrat voted against that. That means there is an intent to bankrupt our country. Because there is no way around it; if we keep spending more than we bring in, we will bankrupt the country.

That is the course this President has put us on. That is the course Senator REID and the Democratic majority want to keep us on. When we try to do even modest, nominal reductions in spending to change the trend line, they are coached, as Senator SCHUMER has said, to call it extreme and to blame it on the tea party. Americans are smarter than that. I think my colleagues are getting ready to figure that out.

We come down to the bottom line the Senator from Utah mentioned. Why are they doing this? They look back to 1997, back in the 1990s, and they think they can win the PR battle. Even more importantly, the President needs a distraction. The focus on the President now is revealing a lack of leadership in domestic policy and foreign policy. He has led us into a mess in Libya. He has led us into a domestic mess and has us on a course to bankrupt the country. He is trying to take over health care. And all those unions and other people who were advocating for it are now asking for waivers. There have been over 1,000 waivers, people who want to get out of this health care bill. The financial reregulation Dodd-Frank bill is threatening to hurt the economy even more. The President needs a distraction. This is a choreographed distraction to close the government down, to draw attention, to try to shift the blame from a President who has been AWOL from leadership and has very little political courage.

That is what we need right now across America. That is what Americans are asking us to do, to keep fighting, be bold. This is not a matter of partisan politics as much as it is a matter of national survival. We have to make some hard decisions. We can't keep spending more than we are bringing in. We have to do what families do, tighten our belts, balance the checkbook.

These are not radical ideas. All we have to respond to is what the House has passed today. Senate Democrats who control this place have not offered any solution. The President has not offered a solution. I suspect we will not even be allowed to vote on the one option we have, what the House sends over here. Yet they think Americans are so stupid that they can come to the floor and blame Republicans who have no control over the situation except to send us what they think is best from the House.

That is what they are doing. They need to be applauded. Speaker BOEHNER has done everything he can to try to work with all parties here to responsibly keep the government going and at the same time to recognize we cannot keep this reckless spending the President has been doing the last couple of years. This is an urgent and serious matter that I am afraid is being played as a PR game by the other side.

The misrepresentations I heard just before about the budget being proposed on the House side are very difficult to swallow. The truth is very rare in this body. I hope all Americans will take the time to look at what is really going on because this is all a blame game, and the Democrats are counting on Americans not to pay attention, to take their cues from the national media.

We are going to do everything we can to keep the government open, to responsibly respond to what the voters told us last November, and not to play the blame game with the other side. But this is being played as a game instead of a matter of serious national survival, a serious national issue. But the bill we will hopefully have a chance at least to debate that the House just passed will take our No. 1 responsibility, to defend our country, fund our troops, and make sure that is done for the balance of the year. We can argue about the rest next week, but let's fund our troops this week and do what we were sent here to do.

Mr. President, 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.

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

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, I ask unanimous consent to add the following Senators as cosponsors to S. 724: Senator MANCHIN, Senator UDALL of Colorado, and Senator ROCKEFELLER.

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

Mrs. HUTCHISON. Madam President, that brings to 43 the number of bipartisan Senators, including the Presiding Officer, who are supporting the bill that will assure that our military personnel are paid even if there is a government shutdown.

We all realize the stress that a military person and a family are under if that military person, especially, is deployed overseas. We have troops in Afghanistan. I was talking to my staff a minute ago, and he heard from one of his friends in Afghanistan, on his ninth deployment, who had heard about our bill and he thanked us for realizing there might be a delay in the military pay and for trying to address it if, in fact, the government is shut down. His ninth deployment, and he is worried about whether he is going to be paid on time so his family, with a 1-year-old child, will be able to make sure and pay the mortgage on the first of the month. Oh, my gosh, what are we thinking here?

I think there are certainly legitimate disagreements about the spending and the budget. I am one who believes we should be cutting the spending. I think the ways to get there are certainly legitimate areas of disagreement. There should be one matter on which we do not disagree and that we would unanimously pass in this Senate; that is, in the event the government does shut down because the sides are still apart when the deadline comes Friday night, that our military get their paychecks, and those who are serving our military overseas or wherever with food service and the things that are done by civilian employees serving the military, that they, too, would show up for work and they would be paid.

We cannot have somebody thinking: Oh, golly, now, I wonder if I am supposed to show up to serve the military meals in Afghanistan or in the base in Iraq or the police station where our troops are embedded. Are we going to ask those questions? I hope not. I hope that if there is one thing this Congress and this President can agree on, it is that there should be no question that the mother at home with the 1-year-old child whose husband is on his ninth deployment in Afghanistan will not worry that she will have that, hopefully, direct deposit so she can pay her mortgage on time.

S. 724 is very simple and very clear: that our military will be required to come to work, which will be no doubt for them, and they will be paid on time. The same goes for anybody serving the military where it is essential for the service of the military. We have almost 100,000 people in Afghanistan today. We have 47,000 in Iraq. There are a lot of people who are serving under great stress and doing a great job under very trying circumstances. I hope this Senate, if, in fact, the government shuts down, can speak very clearly.

I don't think we can wait until 11 o'clock Friday night to make that determination. The processing of the bills and the direct deposits and all that is right now because the paychecks are imminent. It is about 1 week until the paychecks come, but we have a process and we need to ensure the process is going forward.

We know the House, as we speak, is debating the 1-week continuing resolution. It does have the funding for the

Department of Defense until the end of the fiscal year. The President has said he will veto that because of the riders in the bill, which means we could be facing a government shutdown. I don't want the government to shut down because I don't think we even know the real consequences to the thousands of people who are affected, to the veterans who get benefits and live benefit to benefit or the military personnel, of course, and those in the Department of Defense.

Many of us are trying to make the decisions as to who is essential in our offices. It is very hard to do the constituent services when we are involved in a government shutdown. I can't tell my colleagues the number of emergencies I get: people who have loved ones overseas who can't get visas, can't get back, who lost passports. We have so many calls where people need services. So we have to select what are the essential services. These are all things people are not aware of that will happen when there is a shutdown of government.

So I hope we can come to an agreement. If, in fact, we have an agreement—and some people are saying we do for the top-line spending; I haven't heard it yet, so I don't know if that is the case—but if the leaders have made a decision that there is now an agreement on that, I hope we will be able to act and not have a government shutdown.

I also hope we will be able to pass a long-term continuing resolution. It is high time people know what they can contract for, what government services are going to be ongoing and at what price, at what funding level. Nobody would run a small business this way. Nobody would run a corporation this way: Well, we can't agree, so we will just have a week-to-week continuing resolution in a business. Nobody would do that.

I think we have to be focused on the big picture. We have 6 more months in this fiscal year, until October 1. We need to make sure we get this out of the way so we can focus on what is truly going to make a difference in terms of whether we can get this deficit down and get the debt off the plates of our children in the future, and those will be the reforms that will be tied to the debt ceiling. If we don't have reforms, that is when we should draw the line in the sand and say we are not going to have the debt ceiling lifted without the reforms in place that will allow us to not hit that $14 trillion number in the future. I hope we will have a 10-year plan that would start lowering the deficit every year over 10 years so eventually we would have it down to a reasonable amount as compared to our gross domestic product. That would provide the credibility to the rest of the world that we are going to meet our obligations, that we will not default, and that we would be taking hold of our financial situation in this country. That would be the prudent thing to do. I hope we will all be able to work together to do it.

As of now, I think the important thing for this Senate to do is to pass S. 724 that now has 43 cosponsors. It is a bipartisan bill that says the military should not have to worry about a government shutdown. That should be the last thing on their minds. They should be protecting themselves from harm in Iraq and Afghanistan and their families should be able to do the best they can to support their families while their loved ones are overseas. I hope there will be a time going forward when we can pass this bill in short order—not at 11 o'clock Friday night but in the next day or so—if, in fact, we are not able to see our way to passing the 1-week continuing resolution that would prepare us, hopefully, for the long-term continuing resolution to get this fiscal year out of the way and let us focus on next year's budget, which starts October 1, and the long-term reform that is going to be necessary to start cutting our deficit significantly.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Madam President, I understand our Democratic leader is meeting with the Republican Speaker of the House and the White House and working to try to establish the funding level we will have for the rest of this fiscal year that ends September 30.

Let me explain, briefly, how we got here. Our Democratic majority in the Senate failed to pass a spending level last year—failed to pass a single appropriations bill last year and, at the start of the fiscal year, voted a continuing resolution for 5 months. In the course of all that, there was a national election and the most driving force in that election was the American people's deep concern about reckless Washington spending and surging debt that they know is endangering the American economy, can reduce growth, cause a debt crisis and put us on an unsustainable path and burden our children and grandchildren with massive debt, the likes of which we have not seen before.

The continuing resolution that passed at the start of the fiscal year carried us 5 months of the 12-month fiscal year. I suppose, after the shellacking the big spenders took last fall—the biggest shellacking in 80 years—huge numbers of individuals got elected to the House and a large number to the Senate who are committed to containing spending—there should have been no doubt that when we came to decide how much spending we would have the last 7 months of the fiscal year, that there would be proposals to reduce spending. The House responsibly came forward with H.R. 1, which calls for a reduction of spending by $61 billion over the last 7 months of the fiscal year, and it was sent to the Senate. The Senate has done nothing. We have a vote on the bill. Actually, more votes were obtained in the Democratic-controlled Senate for the Republican House bill than votes achieved for the Senate Democratic bill. Ten Democratic Senators were uneasy with the bill the Senate majority produced because it only reduced spending by $4.6 billion. Have they forgotten what happened in November? Have they forgotten that projections continue to grow throughout the year, and instead of a $1.3 trillion expected deficit this year, the numbers have grown to $1.4 trillion in debt added to our country this fiscal year ending September 30?

Did not the American people expect us to do something? One would have thought this $61 billion reduction is somehow the end of the world. We have been fighting ever since.

We have had a series of short-term continuing resolutions so the government does not shut down. Why should the government shut down? Because under our Constitution, if the Congress does not fund a government entity, the entity does not have a right to exist. It can't go out and operate as a government entity if it has not been funded by the Congress. So we have a serious problem. I hope our colleagues reach an agreement. I hope Senator REID and Speaker BOEHNER can reach an agreement, but I am uneasy about it. Frankly, I am not happy about some of the things that have been occurring.

Let me read for my colleagues what Senator REID, our Democratic leader, has been saying. You know we want to have a compromise, they say. Why don't you guys all get together and be nice to one another? Well, we should, and we do, even though we sometimes are pretty aggressive in our debates. But it is a bit much when Senator REID says the tea party is trying to push through its extreme agenda—issues that have absolutely nothing to do with funding the government.

He goes on to say:

> They have made a decision to shut down the government because they want to make it harder, for example, for a woman to get a cancer screening.

I have asked myself: What in the world could he be talking about there? My staff thinks the only thing he could be referring to is the proposal to reduce funding for Planned Parenthood, the largest abortion provider in America.

He goes on to say:

> Do they really want to shut the government down because the tea party doesn't want scientists to make sure the air we breathe is clean and pure?

Give me a break.

He goes on to say:

> This is a time we don't have to fight over the tea party's extreme social agenda.

They had a tape of my good friend, Senator SCHUMER, and he had to back

down from it, but everyone agreed to use the word ''extreme.'' So they called everybody ''extreme.'' They had a press conference and it got picked up. One of our fine Democratic colleagues was talking about the extreme Republicans, and then he said the extreme Republicans, ''my good friends.'' Good for him. Give me a break. There are other statements like that. The Democratic leader in the House, NANCY PELOSI, said:

> The GOP Ryan budget is a path to poverty for America's seniors and children and a road to riches for big oil.

One of the Congressmen said that the Ryan budget ''puts yet another brick in the wall between the haves and the have nots.''

Senator CONRAD, chairman of the Budget Committee, of which I am the ranking member, called that budget ''unsustainable and unreasonable.''

Well, we have a problem in America. The debt in this country is dangerous. We are coming out of the recession, and we need to continue growth. We need to continue job creation. It is not as good as a lot of people say, but it is improving. It has been slower than most recessions for us to recover. But Alan Greenspan, Erskine Bowles, Bill Gross at PIMCO bond company, the largest in the world, who has stopped buying U.S. Treasury bonds and sold all his U.S. Treasury bonds, and Moody's have all warned us that we could be facing a crisis in short order. We need to make some changes.

Also, all of this is being conducted under an atmosphere that is affected by the budget for fiscal year 2012.

Chairman RYAN and his fabulous Budget Committee in the House have produced a very good budget. It is a courageous and long-term budget which deals with the unsustainable course of Social Security and Medicare and Medicaid. He proposes solutions that save those programs and protect our seniors. They put us on the right trajectory. That is what has been hammered as some extreme document.

What has the Senate produced? Nothing. The Senate hasn't produced anything, nada. This is most troubling. But what has the other party, who is required to submit a budget—the Budget Act requires the Senate to produce a budget, and it requires the House to produce a budget, and it requires the President to submit a budget. The President, a week late, submitted a budget.

Mr. Erskine Bowles and Alan Simpson tell us we are facing the most predictable economic crisis in our Nation's history as a result of the debt we are running up. We cannot continue this. It is unsustainable. Mr. Bernanke says we are on an unsustainable course.

What did the President do? What kind of budget did he propose? His budget increases spending every year. It increases discretionary spending every year. It increases taxes by $1.7 trillion. It doubles the debt in 5 years and triples it in 10 years. It is unsustainable. It is, in light of the circumstances we face today, unacceptable. He provides no suggestion whatsoever to save Social Security, which is moving into an unsustainable course, nothing whatsoever to fix or strengthen Medicare or Medicaid, all of which every expert in the country agrees are on dangerous paths that cannot be sustained. It is stunning.

Interest on our debt last year was $200 billion. We borrow the money we don't have. Interest last year was $200 billion. This year, we are going to spend $3.6 trillion and we are going to take in $2.2 trillion. Forty cents out of every dollar we spend is borrowed. This is the third straight year with a $1 trillion-plus deficit. These last 3 years, we are averaging $1.4 trillion in deficits per year. The highest we ever had before that was $450 billion.

The lowest budget deficit, projected by the President's own budget office, scored by the CBO, in 10 years would be $740 billion. Worse, it is going up in the outyears. In the tenth year, under President Obama's budget, the deficit would be $1.2 trillion. And the reason the numbers dropped was always there—based on the projection that our economy will continue to rebound, nothing that the President has done. His spending levels increased under the budget.

Therefore, I believe and I honestly think that the President's budget, in light of the warning and the danger this debt is posing to America, is the most irresponsible budget ever presented by a President of the United States. It is stunningly damaging. It is unacceptable. It accelerates the unsustainable path we are on. As Congressman RYAN, chairman of the House Budget Committee, said, it makes it worse than the unsustainable baseline numbers we are operating under now. It makes it worse.

The Republican House has produced a good budget, the President has produced a budget that is unacceptable, and our Democratic colleagues in the Senate have produced nothing. They just want to complain. They want to make these kinds of attacks: punishing working families; another brick in the wall between the haves and the have-nots; denying women the right to have breast exams and cancer screening; extreme social agenda—extreme, extreme, extreme. Be sure to use that word, ''extreme.'' I don't believe the American people are going to buy this or that they are going to be taken in by the big spenders. They weren't last fall when 64 new House Members were elected who are committed to restrained spending, and I don't believe they will in the future.

Some think that Republicans will get blamed for shutting down the government if they don't have an agreement. Let's talk about that.

As a matter of compromise, the House has sent over another bill, H.R. 1363, that would extend funding for another week and allow the negotiations to continue for another week, and that will reduce spending by an additional $12 billion. That bill also funds the Defense Department through the end of this fiscal year so that they are not hung out there with CR after CR, and so that the Defense Department, the people who defend our country can have confidence in the funding level for the rest of the year. H.R. 1363 is here in the Senate. The House passed that legislation so the Senate can pass a permanent fix for the rest of the fiscal year or it can do 1 more week and we can continue to talk. It is hard for me to imagine how the Republican House, which has sent two good pieces of legislation over here, ought to be blamed when the Senate has passed nothing. They brought up nothing.

It is a bit odd to me also that the President said, ''I am going to veto it.'' I saw a commentator this morning say that the President wants to act like a good daddy and try to get the Senate and the House together and put his arm around them and be the person who brings them all together. Maybe that would be good if it would happen. It looks as if he has taken that hat off and is threatening to veto even a 1-week extension of spending that funds the Defense Department.

Why? One experienced Senator told me: I will tell you why. Senator REID may not have the votes. He may not want to vote on the 1-week CR. A lot of his Members are getting tired of this. They know we have to reduce spending and we need to fund the Defense Department. If it came up on the floor, maybe a lot of Democratic Senators would vote for it and it would pass. Maybe they can work out some of these agreements if we have another week.

I am just saying that some people think all of this sound and fury is politics. I guess there is some politics in it; that is hard to deny. But this is not the normal political squabble between Republicans and Democrats. We really do face a debt crisis. We really have a responsibility.

President Obama's own debt commission pleaded with us to do something about the systemic threat we face from our surging debt that could knock down the growth and progress we are just beginning to feel a little bit here. It could kick us back. Alan Greenspan, former Chairman of the Federal Reserve, and as Erskine Bowles, a chairman of President Obama's debt commission and President Clinton's former chief of staff, have said that nothing could be more devastating to the country than if we had a debt crisis. They are warning us to do something now, not just a short-term spending level for the rest of this fiscal year but the budget for the next year. They tell us we have to deal with the entitlements, the long-term danger they present, as well as the short-term spending levels. I believe Congress knows that.

Some say the American people don't believe in cuts; they talk about cuts, but they don't believe in them. I don't

think so. I believe Mr. Christie is hanging in there in New Jersey, and Governor Cuomo in New York is proposing serious reductions in spending. His popularity is strong. In Alabama, my State, Dr. Bentley, our new Governor, just announced that the discretionary spending levels would be cut by 15 percent the rest of this fiscal year. Nothing we are proposing is close to those kinds of spending reductions they are talking about in Alabama. We are going to have to do some spending reductions. It is going to be meaningful, significant, and it will be difficult to deal with. We should do it carefully.

If we bring down this level of spending, it will have a transformative impact. For example, if you take the $61 billion and you did what the House said—reduce the spending level $61 billion—that reduces the baseline of Federal spending by $61 billion, and over 10 years we will save $860 billion. That is real money just from reducing baseline spending by $61 billion. We have to think in terms of 10-, 20-, 30-year budgets because, as it gets in the outyears, the dangers are even worse.

I believe we can do this, and I believe the American people are ready to face up to these challenges.

I salute my colleagues in the House for presenting a budget that is honest. If you want to know what kind of challenges we face, look at that House budget because it deals with them. The budget the President submitted is filled with gimmicks. When the CBO analyzed the President's budget, it found over $1 trillion in gimmicks. CBO found that his debt projections were off by over $1 trillion because of gimmicks.

I think Congressman RYAN's budget is honest. Not only that, it deals with the long-term threats to our economy and our finances. It is something we ought to consider. If my colleagues have different ways to achieve some of the things he achieves in his plan, let's hear them, let's talk about them. Let's make sure seniors are not going to get hammered and unfairly treated in any way. We can do that. We ought to have an open and fair debate.

The only people who have stepped up and have shown leadership so far have been the members of the House Budget Committee. The President's budget is irresponsible, and the Senate has done nothing. It is time for us to get together, get our act together, finish the funding for this fiscal year, reduce spending every dollar we can, and do a budget for next year that puts us on a path to a sound economy where growth can occur and jobs will be created.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Madam President, earlier today the House of Representatives passed H.R. 1363, a 1 week continuing resolution that will pay our troops and keep the government running.

It is a pretty sad commentary on the willingness of the White House—and my colleagues on the other side of the aisle—to get serious about spending, that we have even arrived at this point.

We need to be clear about a few things in this debate.

First, we are here because Democrats did not do their job last year. Among the most basic responsibilities of Congress—in fact its core constitutional responsibility—is to take up and pass a budget and fund the core functions of the government for the year.

Last year, Democrats had the majority in the House of Representatives. They had a filibuster proof majority in the Senate. And, of course, they had the White House.

But they were so tied up with pressing matters like passing a $2.6 trillion health care bill that the American people did not want, that they never got around to passing a budget.

And then in the fall, as the bottom fell out of public support for the Democrats, they were too interested in salvaging their majorities and trying to spin ObamaCare that they never funded the government.

So that is why we are here.

We are debating a spending bill for fiscal year 2011.

It is April of 2011.

Fiscal year 2011 started in October of last year.

It is very simple.

Democrats did not do their job, and so they left it to the new Republican majority in the House to fund the government for fiscal year 2011.

The Republican-led House got to work. They passed H.R. 1.

Now I know that it is in the Democratic talking points to call this bill extreme, but what exactly did it do?

When you strip away the ideology and the rhetoric about this so-called dangerous and extreme bill, what exactly did it do?

Here's what it did.

It reduced non-defense discretionary spending by $61 billion. That is a big number, but let's put this in perspective. This year we are scheduled to spend $207 billion just on interest on the debt.

This year we have a projected budget deficit of $1,600 billion.

And this year, the Federal Government is on pace to spend $3,800 billion.

So H.R. 1 was proposing $61 billion in reduced spending by a Federal Government on pace to spend $3,800 billion.

You all have heard the old joke.

When someone is asked if they got a haircut, they respond I got them all cut.

In this case what the Republicans are proposing is like going to the barber and getting just one of the hairs on your head trimmed.

The Democrats call this bill draconian.

But as one person put it, the spending reductions in this bill are equivalent to ordering a Big Mac, a large Coke, and a large fry, and then eating the whole Big Mac, drinking the whole Coke, eating 98 of the 100 fries in the bag, taking a bite of the 99th fry, and then leaving the rest. That is hardly a crash diet.

But to hear Democrats talk, Americans would starve if H.R. 1 passed. That is not an exaggeration. Former Speaker PELOSI suggested as much just yesterday.

To hear Democrats talk, this is Armageddon. To hear them talk, this $61 billion in spending reductions is so onerous, America will never be the same.

Americans aren't buying it. The people of Utah, and people around the country, understand that if the Senate were to accept the full $61 billion in spending reductions, life would not only go on, no one would notice any difference at all.

Let's look at this a different way. Nondefense discretionary appropriations have been hiked up by 24 percent in the last 2 years, and 84 percent if you count the stimulus bill. But to hear Democrats talk, even beginning to roll back this explosion in government spending is akin to shredding the Declaration of Independence. Give me a break. The bottom line is that the cuts in H.R. 1 are more than reasonable. People who are remotely serious about reducing the size of government should accept them in full.

But the White House, and their Capitol Hill allies, do not seem to have gotten the message that Americans want to roll back spending. Instead, they are playing politics. They have calculated that if the government shuts down—if Senate Democrats refuse to pass and the White House refuses to sign a bill to reduce spending—the Republicans will be left holding the bag. They think that history will repeat itself, and just as in 1995, the public will blame Republicans for a government shutdown.

Even the New York Times might not be able to carry that much water for the President and his Democratic allies.

The American people get this, and they are saying enough is enough. If the White House and its Capitol Hill allies think they can force a government shutdown and blame Republicans, they must have zero respect for their constituents. The last week of negotiations has proven yet again that big spending is in the Democrats' DNA.

They are congenitally incapable of reducing government spending, so much so that they are even willing to shut down the government.

In the words of John Blutarsky, ''when the going gets tough, the tough get going.''

But when the going got tough on these negotiations, the Democrats were missing in action.

The President jetted off to a couple of fundraisers. And his Capitol Hill allies turned to the rankest of political smears.

The incoming chairwoman of the Democratic National Committee, who until about 5 minutes ago was scolding Republicans for their lack of civility, hit the ground running and claimed that the budget proposed by House Republicans for next year is a death trap for seniors and a tornado through nursing homes. So much for an adult conversation.

The Democratic Congressional Campaign Committee was quick to fundraise off of these spending fights,.

In an e-mail to their dare-I-say extreme base, they claimed that Republican negotiators are engaged in blackmail and blamed tea party citizens for the shutdown, rather than the Democratic leadership that refuses to pass the fiscal year 2011 spending bill and move on.

I will tell you what. They might have an easy time raising money by smearing conservative Republicans and blaming them for this mess. But this is fool's gold, because they are going to have a heck of a time explaining to our men and women in uniform why it is that they refused to pass a bill that would make sure they are paid.

Because the Democrats in this chamber will not accept the modest spending reductions in H.R. 1, the House took up H.R. 1363 today. This is a continuing resolution that will fund the government for a week, prevent a shutdown, and fund the Department of Defense through the end of the year, making sure that our servicemen and women receive their paychecks and that our national security is not compromised.

The ball is in the court of this body's leadership.

The President has now made it clear that he is willing to shut down the government rather than pass this CR.

They have issued a Statement of Administration Policy suggesting that they will veto this continuing resolution if passed.

If the President wants to go off this cliff, I can not stop him.

But I would encourage my Democratic colleagues here that they do not need to follow him off that cliff.

Now, their leadership is saying that it will oppose H.R. 1363 because it eliminates taxpayer funding of abortions in the District of Columbia.

In the end, I cannot believe that they would shut down the entire Federal Government in order to appease the most radical pro-abortion members of their left-wing base.

We will see what happens.

Maybe the Senate will do the prudent thing and pass H.R. 1363.

But I am not holding my breath.

The $61 billion in spending reductions passed by the House months ago is equivalent to 1.6 percent of total projected federal spending. Americans tighten their belts much more than this every day, but Democrats are acting like these cuts are the end of the world.

I would say that the leadership on display from the White House on this issue is pathetic, if there was any on display at all.

Because the White House has showed zero leadership on the issue of spending and government bloat, because it has refused to make the decisions that would force the Federal Government to live within its means, we are in this unacceptable situation of a potential government shutdown. Our Nation is broke. We have to stop spending money we do not have.

But on this most critical of issues the President has been missing in action.

His advisers seem to be treating this exercise like it is a no-stakes Harvard Law seminar in multiparty dispute resolution.

But the stakes could not be higher.

This situation calls for leadership, but we are getting nothing from the White House.

It is time for real leadership that keeps the government running while cutting spending.

I urge the Senate to adopt H.R. 1.

In the alternative, we should adopt the House-passed short-term CR.

There is no need for a government shutdown.

Democrats who think that clever strategists and professional politicos can spin the American people into thinking this is the Republicans' fault, even though it was the Democrats who walked away from the from the table, should remember last year's experience with ObamaCare.

Reluctant Democrats in the House and Senate were told by the same strategists and professional spinners that ObamaCare could be messaged in a way so that it would benefit them.

Today there are many former House and Senate Members who wish they had not bought that snake oil.

If the government shuts down, no amount of spinning is going to convince Americans that this was the fault of anyone other than the President and Democratic congressional leadership who have refused to make any meaningful reductions in Federal spending.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, have you ever noticed when someone points their finger and says ''it is all your fault, it is all your fault,'' did you notice that there are three fingers pointing back at them?

Here we have the blame game going on. What we have is politics at its worst. In trying to govern a country that is large and diverse and complicated, as our country is, you have to have people of good will who will come together to build consensus, who will respect each other's opinion, who will respect each other, and realize that their opinion may not be the only opinion.

That is what we have that is leading us to this point. We have folks who are saying, it is going to be my way or no way. And because of the vote structures, 60 votes required here in order to pass anything out of 100 Senators, we are coming to the precipice, and we are about to fall off.

It is not supposed to work this way. You can have people who sharply disagree about a particular issue, but when it is time to build a consensus and get it done, you have got to have that capability of coming together. Some people use the word ''compromise.'' But compromise has a dirty connotation. It should not. It is the glue of solution making. And that is what this world's most deliberative body for over two centuries has done so well, is come together to build consensus to govern the country. Notice something else. You do not govern from the political extremes. If the political extreme says, it is my way or the highway, you cannot build that consensus in the middle. Thus, that is the situation we have gotten into. A radical, in this case—we have had it on the left end of the political spectrum in the past, but that is not what this is. This is a radical rightwing agenda that is saying, from the House of Representatives, it is going to be their way or no way or they are going to shut down the government.

That is a sad state of affairs. That is saying we cannot come together and agree and reach a solution. So what is going to be the consequence? Well, do you realize when the government is shut down and people are out of work, this does not just affect Federal employees? What about those employees in the private sector whose business depends on being frequented by Federal employees? For example, someone whose business suddenly goes down, are they going to be able to pay their rent?

What about the poor person who is suddenly not going to have a paycheck and they are not going to be able to pay their mortgage? Do you think their bank is going to work with them in order for them not to be in default?

Wait. Let's back up. Look at the experience of my State, Florida. How many banks have worked with people who have been unemployed who have not been able to pay their mortgage, and the banks are not working with them?

So if we go out of the government being functioning, and all of the activities of government, what about the airlines? Certain essential employees will have to operate the air control towers and TSA for security. But do you think the people who are not going to be able to work in the Federal Government in the hemisphere of aviation, do you not think that is going to ripple through the economy in this example of the airlines?

What happens if there is that lapse of safety and this time an airliner does

not land safely as we have had where people have fallen asleep in the tower?

Let's talk about our military. At the end of the day the other side is saying, oh, is it not awful that those of us on this side are not going to pay the military? We are going to vote over and over to pay our military. Our leadership is going to make consent requests over and over to pay our military if we are going to be shut down.

What about our intelligence apparatus, the very apparatus that in far distant lands gets a snippet of information that is passed through the governmental centers that allows us to avert the terrorists from ever doing the attack in the first place? Is that going to be affected? Oh, essential personnel will be there. But what about some of those extended personnel we rely on for our intelligence apparatus?

Ladies and gentlemen, we are not only playing with fire, we are playing with superheated fire. What about GABBY GIFFORD's husband, the commander of the next space shuttle mission? They are supposed to launch April 29. Are all of those workers at the Kennedy Space Center who are preparing the next to the last space shuttle flight going to continue that preparation? Are they going to lay off the astronaut crew because they are not essential as they are training in split-second, very precise training?

Is CAPT Mark Kelly, United States Navy, going to be able to command that mission to take the final components up to low-earth orbit to connect those final components of the International Space Station? What kind of effect is that going to have and be felt throughout the NASA centers all over the country?

What about the Securities and Exchange Commission? What about the banking regulators? What about the Internal Revenue Service going after the people who are trying to defraud us? Do you know that we have prisoners in the State prison system in Florida—more than any other State—who have been putting in fake income tax returns and getting refunds? We have finally got the IRS working with the State prison system, and they are going to shut that off in the next week. Are we going to be able to stop that fraud upon the taxpayer? What about the fellow who just received a $250,000 IRS refund check, and he has not even filed his income tax return, because somebody has stolen his identity and put in a fake return, and fortunately the check got to him, not to the shyster. Are we going to have those IRS personnel to continue to go after that? You can go on and on.

What about our court system? What about the administration of justice? This is what we are facing.

Rigid ideology, in some cases placed on top of excessive partisanship, is now bringing us almost to our knees. If we shut down at midnight tomorrow night, and if we go through the weekend, guess what is going to happen to the Asian financial markets come Sunday afternoon, Sunday evening here, when it is Monday morning there, and those Asian markets open up. Oh, and by the way, have not the people of Japan suffered enough? The 20 or so ships we have over there trying to assist the people of Japan, are they going to have to go on furlough too?

This is the time, as the Good Book says, for people to come. Let us reason together. This is the time for people of good will—and there are plenty of those people who are Members of the Senate—on this side of the Capitol and on the other side of the Capitol to come together. Come, let us reason together.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The majority leader is recognized.

EXTENSION OF MORNING BUSINESS

Mr. REID. Would the Chair be kind enough to announce, are we in a period of morning business?

The PRESIDING OFFICER. We are in morning business until 5 o'clock.

Mr. REID. I have cleared this with the Republican leader. I ask unanimous consent that the Senate extend the period of morning business until 9:30 p.m. tonight, with Senators permitted to speak for up to 10 minutes each during that period.

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

The Senator from Illinois.

BUDGET NEGOTIATIONS

Mr. DURBIN. Mr. President, like the majority leader, I was here the last time there was a government shutdown. I never believed it would reach that point. I certainly didn't believe it would be a long shutdown, but it turned out to be over 2 weeks before it was over. It was a period of profound embarrassment for all of both political parties who served in Congress that it had reached a point where our efforts to find common ground had failed, and we had basically failed by closing down the government and calling an end to basic government services.

The Senator from Florida went through a partial list. The list could go on and on. What about the Federal Bureau of Prisons. Men and women who risk their lives every day guarding the most dangerous people, what is to happen to them as we shut down the government? He raised questions about our efforts to monitor terrorist activities. Those efforts are not only exclusively among the military. He mentioned the intelligence-gathering operations of the United States. I don't think most people outside our walk of life have any idea how many men and women get up every single morning, monitoring transmissions of information, monitoring activity all around the world, looking for that one shred of evidence that there is something dangerous about to occur. These are Federal Government employees, subject in many respects, many of them, to a government shutdown.

In the Department of the Treasury is a foreign assets desk that monitors every single day the movement of money, looking for evidence of drug cartels and terrorist activities and criminal activity in the United States and around the world. They share that information with law enforcement at every level—State, local, and international—to keep us safe. These are Federal employees affected by a government shutdown. We just learned our Secretary of State is canceling a major conference on Tuesday, bringing in leaders from around Washington and the world to talk about critical issues, because of her fear that the Department of State will be shut down on Tuesday. We also know, in embassies all around the world, men and women literally risk their lives to be there representing the United States, offering their services for Americans and others in terrible circumstances, and they are going to be subject to a shutdown, skeleton crews.

We ask ourselves: Is this necessary? Have we reached a point where there is no alternative? The answer is there is an alternative. The alternative is for people of good will to come together and find common ground.

I am closer to the position of Senator REID because I know, I have followed his conversations, his reports on the negotiations. I am certain of what I say. When it comes to the dollar amount for budget deficit reduction, we are virtually in agreement. The differences are minuscule. We have agreed on the amount of spending to be cut. That is no longer a matter of debate.

What happened in the last 24 hours is a dramatic shift away from the budget deficit discussion. Now Speaker JOHN BOEHNER, who is my friend, on behalf of his caucus, is arguing it is no longer about the budget. It is no longer about the deficit. It is no longer about cutting spending. It is about a social agenda, some issues.

No. 1, Speaker BOEHNER insists we have to accept language from the House which says the Environmental Protection Agency will basically shut down its operations when it comes to certain environmental hazards such as greenhouse gas emissions. Some of us think that is a catastrophic decision, a disastrous decision. The House Republican caucus voted for it, the Republican majority. Now they are saying to us: Accept it.

Yesterday, we debated that issue. We debated it in the Senate for many hours. The Senator from Florida was here. We had four separate votes on the issue of taking the power away from the EPA. The first amendment offered received seven votes in the affirmative. The second one received seven votes in the affirmative. The third one received 12 votes in the affirmative. The fourth

one failed with a 50–50 rollcall vote, offered by the Republican leader. Has the Senate spoken on this issue? It has. If I remember correctly, under the Constitution that both House and Senate Members are sworn to uphold, there are two Chambers. We disagree profoundly with the House Republican position. For Speaker BOEHNER to now insist that despite all the debate and activity, it is a ''take it or leave it'' on taking away the powers of the EPA is not only unreasonable, it is unfair and totally unrelated to the issue of budget deficit reduction.

But there is a second issue. The second issue, which I find hard to believe they are now making the fulcrum of the decision on whether we shut down the government, is whether we should shut down the access of people across America, particularly poor women and children, to primary health care in clinics. They have an amendment under title X which would basically stop the funding for access to private health clinics funded by that program. What kind of services do these clinics offer? They offer cancer screening, breast cancer screening, screening for infectious diseases. The basic care we provide to women and families across the country would be shut down by the provision the Republicans in the House insist we agree on if we want the government to stay open and do business. Is that what the last election was about? I missed that part. I missed the part where the tea party stood and said: We are for fiscal sanity, and we want to close down the access of women to basic health services. I don't remember that at all.

I welcome that debate. In the next hour or two or perhaps tomorrow morning, we are going to offer to the Republicans, if they want to debate on the floor that rider that is in the House approach, let's have the debate. Let's have the vote. It isn't as if we are ignoring it. We are prepared to face it and vote on it. I know what the outcome will be, and I think the Speaker knows as well. He is going to lose. So why are we allowing this ship of state to founder over two social issues, closing down the EPA's function and closing down women's access to health care?

That is where they are. It is no longer about the deficit. All the deficit hawks and all the speeches we have heard, that is over. I find it hard to believe there are actually people who think a government shutdown is a good thing politically. There was a statement printed in the Washington Post this week on April 5:

> Republicans gave the speaker an ovation when he informed them . . . to begin preparing for a possible shutdown.

An ovation? So some people in that caucus apparently believe a government shutdown is a good thing. Some of them, Congressman PENCE of Indiana, has been forthright and direct. Let's shut it down, he says.

How do we answer the basic question posed so many times: What does that do to the reputation of the United States around the world, that our government is going to shut down? What does it do in terms of the state of our economy which is coming out of a recession, trying to put people back to work? We know what the predictions are. Any government shutdown will reduce economic growth at a time when we desperately need more economic growth and more jobs. The longer the shutdown goes on, the worse it is in terms of unemployment and economic growth. We also know that even though some Republicans in their caucus were cheering on the idea of a shutdown, basic services essential to the operation of this government and the safety of our Nation will be in peril and danger. People who literally give their lives in service to the country will be wondering from day to day and hour to hour whether we will continue to finance the government.

The clock runs out at midnight tomorrow night. Between now and then, I hope Speaker BOEHNER comes to his senses and appeals to his Republican caucus and tells them we cannot have everything. Take what we have, this cut in spending, this reduction in spending, which is a step in the right direction. I hope he will say it to even those who are cheering the idea of a government shutdown. It is not the right thing for America.

It is time for men and women of both political parties to stand and to represent the best in this country, to make the concessions that keep us moving forward. We have plenty of work to do beyond this. I am leaving here to go to a meeting to discuss a bipartisan approach to dealing with our budget problems way beyond the next 6 months. If we are going to create an environment for bipartisan cooperation, it does not start with a government shutdown. If there are any Republicans who believe this is a sound strategy, that somehow this will endear them to the American people, I think they are making a mistake. A shutdown could cost the government dearly, and it could certainly cost the United States in its reputation around the world. I don't want to see that occur.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CORNYN. Mr. President, sometimes when my constituents come to Washington I tell them: Welcome to the District of Columbia, 68 square miles of logic-free environment, where perception is reality.

I can't think of anything more surreal than the situation we find ourselves in with the House of Representatives having passed an appropriations bill that would keep the government open while negotiations continue and would fund our men and women fighting now three wars around the world to make sure they get paid.

I have also had occasion to tell my constituents that Washington, DC, is a lot like Disneyland. It is a fun place to visit, but it is not real. When we get in trouble, when Members of Congress get in trouble is when they think Washington is real because it is not. What is real is what is back home, where people have common sense, try to solve problems working together, rather than play endless political games.

I find it outrageous that Senator REID, the majority leader, and the President of the United States would refuse to fund pay to the men and women in uniform by threatening a veto to the House bill sent over here. We know that unless Senator REID and the President agree to keep the government open, they will be responsible for the shutdown of the Federal Government and all the disruption that goes along with it.

After the government shuts down, we are still going to have to pass an appropriations bill at some level to keep the government functioning. A shutdown doesn't solve anything, except cause disruption, concern, and heartburn among a lot of good people about whether they will get paid. First and foremost among those are our men and women in uniform.

The President has threatened to veto the troop funding bill, which is H.R. 1263, by saying: ''This bill is a distraction.'' That is according to the President's own Statement of Administration Policy issued by the White House earlier today—''a distraction.'' An attempt by the U.S. House of Representatives to make sure our men and women in uniform are being paid while they are fighting three wars around the world is a distraction to the President of the United States. That is outrageous. That is irresponsible. That is an abdication of Presidential leadership, and I hope the President will reconsider because funding our troops is not a distraction, it is a responsibility. A veto threat is not what they deserve nor what they should be hearing from the Commander in Chief.

About 1 in 10 people who wear the uniform of the U.S. military calls Texas home. Those Texans are among the roughly 100,000 U.S. troops currently deployed in Afghanistan, many of whom are serving multiple deployments away from home and away from their families. Some of them are, for example, members of the Texas Army National Guard's 176th Engineer Brigade headquarters that is currently handling engineering projects for about one-half of the country. Other Texans are among the roughly 40,000 troops still deployed in Iraq. Some of these are members of the Texas Army National Guard's 36th Infantry Division

headquarters that is currently providing command and control for about one-third of that country.

Texans are also supporting the mission in Libya, although many are perhaps unclear about what the mission is. Texans are onboard more than a dozen Navy vessels currently providing humanitarian assistance off the coast of Japan.

The President's threat to veto funding for these troops is irresponsible and shows his willingness to risk a shutdown of the government and deny them the pay they are entitled to rather than to accept responsibility and to face the fiscal facts.

For nearly 200 days, our Federal Government has operated without a budget because of an irresponsible approach to one of the most basic functions of the Federal Government: to keep the lights on, to keep the government operating, and to accept responsibility for those decisions.

We know Democrats, while they controlled the White House and both branches of the legislature, the House and the Senate, failed to pass even a budget last year—even a budget. Every family in America, every small business, everyone other than the Federal Government and Congress has to operate on a budget, but only Washington could continue to spend money it does not have—about 40 cents on every dollar. Yet I would say the President remains either oblivious to that fact or, I think probably more accurately, in denial about the fiscal crisis that is impending and is apparently unwilling to try to work across the aisle to try to address it.

I think it is imperative that the majority leader allow the Senate to vote on the House-passed measure, which we could do by unanimous consent if not today then tomorrow before the looming shutdown tomorrow night. It is clearly in Majority Leader REID's hands, and it is in the hands of the President of the United States if he would withhold his veto, allow negotiations to continue, and to make sure our troops were funded as they should be.

The troop funding bill would fund the Department of Defense through the end of the fiscal year, and it represents a bicameral, bipartisan agreement that was reached last December on funding of the Department of Defense. It is past time for this legislation to be enacted, particularly given that in the months that have passed since December, America now finds itself engaged in a third war—entered into without congressional authorization, without any clear mission and, frankly, only 21 percent, according to a recent poll I saw, actually believe the mission is clear. Well, I am with the other 79 percent. I do not know what the mission is.

The President said it was a humanitarian mission, although when he obligated the U.S. military to go in he immediately outsourced the responsibility for it to NATO, which did not have the assets and the resources in order to protect the rebel forces who continue to be killed by Qadhafi's troops.

The President said Qadhafi must go. Yet he is doing nothing from a military perspective to accomplish that goal. What does that do to America's stature and reputation in the world community? What other tyrants are watching this President say Qadhafi must go, and yet have this President unwilling to do what is necessary to remove him from his office?

Well, I think it not only damages American prestige, it emboldens other tyrants like Qadhafi, and it does not solve the humanitarian crisis in Libya.

Well, some have said—and the majority whip was here talking about so-called riders that accompany this piece of legislation, but let me first say what this troop funding bill also does. It cuts $12 billion in additional spending. When 40 cents out of every dollar the Federal Government has spent is borrowed money, and we are spending money we do not have, doesn't it make sense to cut Federal spending? Well, I think it does. I think anybody who thinks we can continue business as usual is just deluding themselves, living in a la-la land that has no bearing, has no semblance with reality.

This bill would also keep the government operating for another week. This would avoid the shutdown that would occur tomorrow night, and it would allow for more time for bipartisan negotiations to occur.

So far as the so-called policy riders go, prohibiting taxpayer funding of abortion in the District of Columbia, well, that has been supported by both Republicans and Democrats in the past. President Clinton signed similar legislation six times. Vice President JOE BIDEN and Senator HARRY REID have voted for it many times; and President Obama himself signed this same provision into law in 2009.

This troop funding bill also prevents Guantanamo Bay detainees from being transferred to the continental United States. I think if there ought to be a consensus about anything, it is that we do not want dangerous terrorists detained at Guantanamo Bay, Cuba, transferred to the United States. This bill prevents that.

This language is virtually identical to existing law that was included in the National Defense Authorization Act. This bill also includes full funding for our commitment to the U.S.-Israel Memorandum of Understanding for fiscal year 2011 and was passed Thursday afternoon, this bill, by a vote of 247 to 181 in the House of Representatives.

I do not know what could be any clearer than if President Obama were to veto this legislation—after it was passed by the Senate—that closing the government would be on their hands.

Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. CORNYN. Mr. President, I ask unanimous consent for an additional 3 minutes.

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

Mr. CORNYN. So this bill has been passed by a substantial majority in the House of Representatives. For Senator REID to say he will refuse to take this up or President Obama to say—if it were passed in the Senate—that he would veto it is irresponsible, and the shutdown of the government would clearly be on their hands.

This demonstrates a very disconcerting trend that we are seeing of a failure of leadership at the highest office in the land; that is, the President of the United States—a President who goes to Brazil and talks about, well, I am for free trade, yet has been sitting on the Colombia Free Trade Agreement, the South Korea Free Trade Agreement, the Panama Free Trade Agreement since he entered office, a President who says he is for bringing down the price of gasoline, for making America less dependent on imported energy from abroad, and goes to—believe it or not—Brazil and says: It is great you are going to be drilling for more oil offshore in Brazil. And do you know what. We are going to be one of your best customers—in other words, saying one thing in America and doing another thing abroad.

This is the same President who appointed a fiscal commission that reported in December of 2010, which documents the sobering reality of the debt crisis we are facing in this country and what we must do responsibly to deal with it on a bipartisan basis, but in his State of the Union Message, in his budget he has presented, it is not even mentioned.

We know we have important issues to deal with. This is the most immediate one ahead of us. But this is small compared to the bigger issues we are going to have to deal with in just a month or two, which is the debt ceiling. America has maxed out its credit card, and the President is asking us, the Treasury Secretary is asking us to raise the credit limit to allow us to continue to borrow more money.

We know that is an unsustainable path. We know the American people are sick and tired of the typical gamesmanship and the ''gotcha'' politics in Washington, DC. What they want, I truly believe, is for us to work together on a bipartisan basis to solve the problems in front of us and not to kick the can down the road, not play a game of ''gotcha,'' setting up our political adversaries for the next election in 2012. That is what this smells like. That is what this looks like.

This is irresponsible on the part of the President. It is irresponsible on the part of the majority leader to fail to take up this bill and to allow us to vote on it tomorrow to prevent the shutdown of the government. It is irresponsible to threaten our men and women in uniform, fighting three wars across

the globe, with being deprived of their paycheck by our failure to act, by the President's commitment to veto any legislation that were to be passed on a temporary basis to stop this government shutdown.

I hope the American people will call, write, e-mail, I hope they will let their representatives know that is unacceptable and that Congress must act tomorrow in advance of the deadline; and if the Senate does pass the bill, that they communicate to the White House, by every means necessary, that, Mr. President, you shall not veto pay to our troops while we are fighting three wars. To do so not only is an abdication of your responsibility as Commander in Chief, but it is an abdication of the leadership people expect from the President of the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I know we are rotating back and forth. I am the only one on the Senate floor, I think, who is requesting time. I ask unanimous consent that I be recognized for, let's say, 15 minutes. I probably will not use that much time, but I ask that unanimous consent.

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

Mr. INHOFE. Mr. President, let me, first of all, speak in response to what the Senator from Texas talked about. This is very significant. I happen to be maybe one of the few who voted against the last three extensions that were requested—these 1-week extensions. That is no way to run government. I understand that.

But this one is different, and I rejoiced when I saw we had an opportunity to pass a 1-week extension that would do three things: No. 1, substantial cuts—not these just imaginary things we have been talking about—No. 2, continue the funding for what we must do in Israel for the end of this fiscal year; but, most importantly—and I say this as the second ranking member of the Senate Armed Services Committee—this would be a huge help to our military so there would be certainty, they would know what we are going to be doing between now and the end of this fiscal year. That absolutely has to be done.

It is unimaginable to me that in the middle of what I call two, maybe three conflicts right now that we are not lining up and making sure we have the funding that is necessary for what is going on in Afghanistan and other places where we have our troops in harm's way. It is something that is inexcusable, and I just cannot believe there is going to be a veto.

In spite of the veto threat, this is our opportunity to have time to be fiscally responsible, and I hope we are.

COTE D'IVOIRE

Mr. INHOFE. That is not why I am here, however. I want to be sure that something I have been talking about over the last days has now come to a peak where we must do something.

I have been concerned about what is happening in Cote d'Ivoire, in west Africa. I am very close to the situation. I have had occasion to be there over the last few years nine different times. I know the President is there, the current President and his wife, Laurent and Simone Gbagbo. I was familiar with the election that came around, so I have been on the floor talking about what I believe should happen there, that we should call for a new election. Unfortunately, the United States and our State Department—I will be very critical of them—have joined with the United Nations and with France in taking the side of Alassane Ouattara from the north who was the challenger, who has been challenging this administration now for at least 10 years that I know of.

I got a scathing reply from the Ambassador to the United States from France. I am not going to read it. I am not going to enter it into the RECORD. It doesn't make any sense. I only wish to respond to a couple of things in that letter. First of all, they talk about the fact that this was a legitimate election and it was certified properly and it was in accordance with the Constitution of Cote d'Ivoire, and I don't believe that. I will respond to that by saying the independent electoral commission did not fulfill its constitutional mandate to announce the final provision vote tallies within 3 days. That is what the Constitution says in the country of Cote d'Ivoire and west Africa. It announced then, almost 16 hours after it was constitutionally mandated, to report them to the Constitutional Council. It is my understanding it is the Constitutional Council of Cote d'Ivoire and not the electoral commission which certifies and declares the winner of Presidential elections.

On three occasions now I have talked about this election and the abuses that were taking place. In one case we had information that was given to me by members of the opposing party to President Gbagbo where they submitted that in one of the five regions in the north—let's keep in mind the challenger, Ouattara, is from the north, a Muslim area up there. They had, in five of these regions—in one of them—149,598—and I showed how it was calculated. I showed the actual results that were there from the electoral process, and this was just one of five northern cities. But when the total was officially reported in the total vote column, Ouattara received 244,000 votes, a difference of almost 95,000 votes.

If you do your math and you say this happened in all five of these areas in northern Cote d'Ivoire, that would be more than enough to declare—enough mistakes that would take the election away from the duly reelected President, President Gbagbo. If you don't want to get into the weeds that far, all you have to do is look at the results they had. In that election they came out with the results that said Gbagbo in those northern precincts—we call them precincts, they call them something else—that they actually had thousands and thousands of votes in what we would call the primary, but when the primary runoff came up, he got zero votes. That is a statistical impossibility. So I have given all those things to our State Department, and I haven't gotten any positive response.

In the accusations in the letter the French say he refused to accept—he being Gbagbo—refused to accept proposals by the African union, a high-level group, while these proposals have been formally accepted by President Ouattara. It is not true, just flat not true. As late as March 27 the African Union sent former Cape Verde Foreign Minister Jose Brito to mediate between Ouattara and Gbagbo. Gbagbo accepted the mediation, Ouattara didn't.

I have a whole list of the accusations that were made and my response to these accusations, and I am going to be submitting them at this portion in my presentation in lieu of reading them at this time. I ask unanimous consent that they be printed in the RECORD.

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

INHOFE FACT CHECK ON FRENCH EMBASSY ''FACT SHEET''

(From the French Ambassador, April 6, 2011)

French say:

Fact Sheet on Côte d'Ivoire
(April 6, 2011)

''After many delays, including on the part of then-President Laurent Gbagbo, a presidential election was held in Côte d'Ivoire last fall. Since then, its results have been certified by the local monitoring mission and acknowledged by the international community, including the United States, the European Union (EU), the Economic Community of West Africa States (ECOWAS), and the African Union (AU).''

Inhofe responds:

In fact the Independent Electoral Commission did not fulfill its constitutional mandate to announce the final provisional vote tallies within three days. It announced them almost 16 hours after it was constitutionally mandated to report them to the Constitutional Council. And it is my understanding, that it is the Constitutional Council of Cote d'Ivoire and not the Electoral Commission which certifies and declares the winner of presidential elections. It seems that this election was not carried out in accordance with the constitution of Cote d'Ivoire.

In addition, there is evidence of massive electoral fraud in the rebel held north. I submitted this evidence in two letters to Secretary Clinton and am awaiting a response to these specific allegations.

I also submitted an electoral document showing official regional electoral returns, where it shows Ouattara receiving a total 149,598 from one of five northern cities. But when the total is officially reported in the total vote column, Ouattara receives 244,471; a difference of 94,873 votes!

The evidence submitted to Secretary Clinton includes tallies of precincts where, in the first round of voting, President Laurent Gbagbo received multiple thousands of votes, but in the second round he received zero votes. That is a statistical impossibility.

From all the evidence I now have gathered, I am convinced that it is mathematically impossible for President Gbagbo to have lost the election by several hundred thousand votes. And if a similar amount of fraud exists in the other four regions of the rebel-held north, Gbagbo is actually the winner of the presidential election.

French say:

''Since the results, former President Laurent Gbagbo has not only refused to acknowledge the results, and listen to the will of the people of Côte d'Ivoire, but actually dismissed several initiatives, including by the AU, ECOWAS and other African leaders, to avert any bloodshed and find a peaceful solution of the crisis. Most recently, he again refused to accept proposals by the AU High Level Group, while these proposals have been formally accepted by President Ouattara.''

Inhofe responds:

Not true. As late as March 27, the African Union sent former Cape Verde foreign minister Jose Brito to mediate between Ouattara and Gbagbo. Gbagbo accepted the mediation, but Ouattara rejected it!

French say:

''This deadlock has precipitated a deterioration of the humanitarian situation. In addition, it has led to growing violence, of which the first victims have been civilians, in spite of the presence on the ground of the U.N. Operation in Côte d'Ivoire (UNOCI). It is in this context that the United Nations Security Council adopted its Resolution 1975 on March 30. This decision was adopted unanimously, including with a positive vote from the United States and the three African members of the Council (namely, Gabon, Nigeria and South Africa). It stresses the protection of civilians, and the need to prevent the use of heavy weapons in this regard, as a key element of the impartial implementation of UNOCI's mandate.''

Inhofe responds:

There is no evidence that President Gbagbo ordered the shelling or killing of civilians in Abidjan or throughout the country. He has repeatedly denied it, and it is in fact actions by forces under the control of Ouattara who have carried out military and terrorist actions. This consisted of attacks upon police and Army forces by ''invisible commandos'' and the outright offensive launched from the north that has led to the present crisis.

French say:

''In Côte d'Ivoire, French forces are acting on the basis of an international mandate given by U.N. Security Council, in support to the internationally constituted U.N. peacekeeping operation (UNOCI).''

Inhofe responds:

Focus should be on the word ''peacekeeping''. Unfortunately, the United Nations and French forces are not engaging in peacekeeping, but war-making.

French say:

''Most recently, their intervention has been strictly consistent with Resolution 1975, and responded to a request to President Sarkozy by UN Secretary-General Ban with a view to support UNOCI as it enforces its mandate. In particular, French forces' intervention in Abidjan has been strictly consistent with this goal, and designed to neutralize the heavy weapons used against civilian populations and UN personnel in Abidjan.''

Inhofe responds:

Not true. Abidjan is a densely populated city of four million people. In this urban environment, the collateral damage caused by the attacks by UN and French attack helicopters and ground troops has caused hundreds if not thousands of civilian casualties. Specifically, hundreds of youths supportive of President Gbagbo formed a human shield around the presidential palace in an attempt to halt the Ouaratta and French offensive. No one knows how many of these youths have been killed by UN and French forces.

French say:

''In the context of its commitment to the protection of civilians and the fight against impunity in Côte d'Ivoire, as in the rest of Africa and worldwide, France reiterated its calls for an immediate halt to all violence against civilians, and underscored that the perpetrators of these crimes must be held accountable before a court of law. France welcomes President Ouattara's pledge in this regard.''

Inhofe responds:

The only reported slaughter of civilians has been perpetrated by Ouattara forces. This occurred in the western town of Duekoue where up to 1000 people were massacred by the Dozos, traditional hunters who fought alongside Ouattara forces. This has been confirmed by the United Nations and Human Rights Watch.

French say:

''France is looking forward to the end of the current violence, and hopes that the constitutional and democratic order will eventually prevail. It is for president Ouattara and the people of Côte d'Ivoire to find the political solutions that will favor a democratic, peaceful, prosperous and reconciled nation.''

Inhofe responds:

Not true. President Gbagbo has called for an immediate cease-fire several times and has been ignored by Ouattara, the UN and French forces. The killings can come to an immediate end if these forces agree to a cease-fire.

Conclusion:

This past Wednesday, April 6, marked the 17th anniversary of the 1994 Rwandan genocide. We now know that UN General Secretary Koffi Annan and others knew of the extend of this violence early on, but did nothing about it.

We all want to prevent another genocide from occurring.

That is why the United States must call for an immediate ceasefire to prevent Ouattara and his rebel army from committing more mass slaughters of the Ivoirians.

Lastly, I renew my request to Senate Foreign Relations Committee Chairman Kerry requesting that he convene a hearing as soon as possible into the atrocities committed by forces loyal to rebel leader Ouattara, as well as into what I believe were flawed elections that gave legitimacy to his claim of the presidency.

Mr. INHOFE. I came to the conclusion that on Wednesday, April 6—that marked the 17th anniversary of the terrible thing that happened in Rwanda, the genocide—and we have information that actually Secretary General Kofi Annan had knowledge of that. It wasn't shared. We didn't have warning, and we all know 800,000-plus people were brutally murdered in Rwanda during that genocide.

What I wish to do now is make sure we are on record in warning the United States, France, and the United Nations what is going on right now.

First of all, if we look—they say it is all decided, everyone has made up their minds, yet President Obiang—President Obiang of Equatorial Guinea. He is also the current President of the African Union, or the chief of the African Union. He is on record saying that Africa must be allowed to manage its own affairs, and this is a quote:

> Africa does not need any external influence. Africa must manage its own affairs.

This is the President who is the head right now of the African Union.

President Sarkozy has said—so there is no doubt about whether he has authorized his troops to go in there and participate in these raids that have taken place, two of them that I will describe in a minute. French President—this is reported on BBC News—Nicolas Sarkozy said in a statement he had authorized 1,600 strong French Licorne forces in the country.

That shows definitely, and I don't think anyone is questioning that. Here is another one:

> One source said soldiers from a 1,000-strong French Licorne force—

This is a very strong force—

> in the Ivory Coast has been deployed in Zone 4, in the south of the city.

I think also it is important to see that France has authorized its military—and I am reading now from the same report:

> France has authorized its military to participate in a United Nations operation in the Ivory Coast to protect civilians against escalating violence there. The Elysee Palace said the operation aimed to neutralize heavy weapons belonging to troops loyal to President Gbagbo.

So he is talking about sending them in. Of course, I think most of us—I will go ahead and read one more thing here that I think is significant: ''French helicopters opened fire on a military camp in Abidjan on Monday.''

That is going to go down in history as ''Black Monday.''

If anyone wants to see what was happening with helicopters and rockets firing on all kinds of targets near the palace in the residence in Abidjan of Ouattara, go to my Web site. We have pictures of that.

> Earlier, French President Nicholas Sarkozy said he had authorized France's military to join a U.N. operation against forces loyal to Ivory Coast's Laurent Gbagbo.

So, clearly, they are the ones who had—I want to say this: There are two major assaults on Cote d'Ivoire. I mistakenly thought that the French were involved in the one in a city called Duekoue. I find out later that they weren't. They were supporting, of course, Ouattara—the forces that were there, but they did not have a direct participation in it. A man named Guillaume Ngefa, who is the head of the United Nations mission in Cote d'Ivoire, said that Ouattara's forces had carried out the killings in Duekoue, and we have pictures—I am quoting them now:

> We have pictures. We have evidence. This is retaliation.

That is what the deputy head of the mission in Cote d'Ivoire of the United Nations mission said.

Then: ''We have credible reports of serious abuses being committed by Ouattara's side.'' That came from Corinne Dufka, a Human Rights Watch researcher based in Dakar, Senegal. It is raising very serious concerns.

Then further quotes. It goes on and on. I will enter all of these quotes into the RECORD.

But the bottom line here is that Ouattara's forces are the ones that were involved in Duekoue when they—the estimate they have right here is that—it comes from Patrick Nicholson, a spokesman for the Catholic aid agency Caritas, saying that an agency team in town last week on a routine aid mission had found a lot of dead bodies. ''We estimate between 800 and 1,000 dead,'' Nicholson said in a telephone interview from Rome.

They are primarily killed by gunshot, though some of the wounds were made by machetes. I don't think they were killed in crossfire.

It is interesting, because the forces of President Gbagbo had left that area of Duekoue a week before all of that happened. So that had to have happened with those forces that were Ouattara's. Well, anyway, I am still quoting from this, which was printed in the Washington Post:

Ouattara's forces have also been accused of carrying out reprisal killings and extrajudicial executions of prisoners during their march to the capital.

Gbagbo's forces had vacated a week before.

We have pictures showing the French flags that were on the major massacre that took place and that was the one that took place on Monday night. I have already said all of this on the floor. We have talked about this and the problems.

One thing I haven't mentioned is one of the first things Ouattara did when he marched on Cote d'Ivoire in the south and on Abidjan is to turn to release all of the prisoners in one of the major Abidjan prisons—that is some 5,000 prisoners—and military sources loyal to the incumbent leader Gbagbo said the doors of the MACA prison—that is the big prison in that area—were opened by forces loyal to the President, Presidential claimant Alassane Ouattara, in the midst of an offensive aimed at Gbagbo.

Afterwards, they go into detail as to hearing the gunfire; in other words, releasing prisoners to fight against the sitting President.

Residents near the jail said thousands of youths streamed out of the prison, which had the capacity of 3,000 prisoners, but was believed to be holding over 5,000, into the neighborhood in Abidjan.

We heard gun fire early this morning and afterwards the doors of the prison were opened and prisoners were left shouting for joy.

That is something I have not had in the RECORD before.

One of the things I have to repeat that I have stated before—let me ask the Chair how much time I have remaining.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. INHOFE. I request an additional 10 minutes.

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

Mr. INHOFE. I wish to speak about one of the testimonials in Duekoue.

I spot four pigs eating something dark in a charred courtyard. Standing by a newly dug mass grave, a UN soldier from Morocco is choking with rage and grief. I asked him if any of the dead are children. He nods and begins to sob, quietly, into his facemask.

This is something that has been happening again. We talked about this before. I don't want to abuse the time we have, but a few minutes ago I got a notice from somebody I happen to know and he says:

I must admit that it was very difficult. This day too—

we are talking about in the last few hours—

has been very confusing with the rebels parading in the streets stealing and dispossessing people of their goods. This is what makes it very dangerous because it is a no law zone. Hundreds of people have started leaving town avoiding the danger in Abidjan.

That is what is happening right now. The report we have now recently is that the Ouattara rebel army is deploying death squads, and I will read from this because I think it is very important that we get this down right, because I am going to make some accusations here that maybe have never been made in recent history on this floor.

I have just received devastating news about the situation in Cote d'Ivoire.

I have been told that there are ''death squads'' roving around the streets of Abidjan ''disappearing''—

they used the word ''disappearing''

supporters of President Gbagbo.

Do they kill the supporters of President Gbagbo? Probably so, but they use the word ''disappearing'' because there is no accounting of it.

These death squads are led by soldiers of Ouattara's rebel Army. They have already killed 400 people in the last few hours.

I am talking about contemporary, right now.

If we do nothing, this soon will include the murder of President Gbagbo and his wife Simone. Ouattara's armed rebels are supported militarily by the United Nations and the French government. I call on UN Secretary General Ban Kee Moon and French President Sarkozy to condemn and halt immediately these ''death squads.'' If they do not, I charge that they are complicit in allowing these death squads to operate freely on the streets of Abidjan.

It also calls for immediate cease-fire.

I will conclude and say that I remember well, because I was around when this happened, and when we knew—some people knew, we didn't know in advance, what was going to happen in Rwanda. President Kagame didn't know what was going to happen in Rwanda. Kofi Annan of the United Nations apparently did know what was going to happen and elected not to say anything about it, so that they weren't warned and 800,000 mutilations later, we know what the genocide was all about. We know now. We know the death squads are there. The death squads have already killed, according to these reports, some 4,000 people in the last few hours.

If we don't do anything about it, I have in my own mind—I feel very certain that those death squads run by Ouattara's rebel army will reach the hiding place of President Gbagbo and his wife Simone and their family, and they, too, will be murdered. If we don't do anything, we have been warned that can happen. We can intervene and stop the death squads roaming around in Abidjan in the country of Cote D'Ivoire.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. INHOFE. 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. INHOFE. Mr. President, I ask unanimous consent to be recognized as in morning business until such time as somebody else comes in and wants the floor.

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

BUDGET NEGOTIATIONS

Mr. INHOFE. Mr. President, I didn't get a chance to elaborate on the subject that was covered by the Senator from Texas, Mr. CORNYN. I think it is very important when we are faced with the shutdown of the government. I happened to be here in 1995, and I remember, frankly, it wasn't as bad as everybody said it was going to be. This is something that is totally avoidable now. We have an opportunity to do a 7-day extension that would take care of the military's needs, and I think it is important to do so.

I wish to also mention the vote that took place yesterday—the last vote; we had four—having to do with the over-regulation, I will call it, of the Environmental Protection Agency. The first three amendments before they came to mine were offered by Democrats for whom I have a great deal of respect. In each amendment, they made it clear that the author—all Democrats—thought it was not the place for the Environmental Protection Agency to do what Congress is supposed to be doing in terms of regulation of greenhouse gases.

The votes were overwhelming in terms of the fact that they didn't have Democrats supporting them because they were temporary fixes. The only real vote that took place was on mine.

I introduced legislation several weeks ago, in concert with my colleague over in the House of Representatives, FRED UPTON, to take out from the Environmental Protection Agency the jurisdiction of regulating greenhouse gases. We all know how it happened. We know that since 2003, Members of this Senate have introduced legislation to call for cap and trade under the assumption that catastrophic global warming is taking place from anthropogenic gases, and we have been able to defeat all of those.

So while there has been a real effort by this administration to regulate greenhouse gases and do it by legislation, when they finally realized that wasn't going to happen, that they were not going to be able to garner sufficient votes to pass a bill that would allow for a cap-and-trade system—by the way, the cap-and-trade system would have amounted to between $300 billion and $400 billion a year as a tax increase, which would have been the largest one in the history of this country.

When President Obama decided—in the wisdom of both the House and Senate—we were not going to pass anything that would be a cap-and-trade bill, he said: That is fine, we will do it through regulation.

That is how this whole thing started. So the effort was for the EPA to come up with an endangerment finding which would say that greenhouse gases—anthropogenic gases, methane—were dangerous to health. Well, this has to be based on science.

I remember asking the Director of the EPA, Lisa Jackson, whom I respect—I said: If you are going to have an endangerment finding, it has to be based on science. What would that be? Well, it was the IPCC, which, for the edification of anybody who is not aware, is the United Nations. They are the ones who started this whole thing, and they are the ones who would be in a position to try to force the regulation.

Anyway, the time has gone by now, and since that time, we have almost unanimity in this body and in the other body, also, that we don't think the EPA has the ability or the authority to regulate greenhouse gases and to do administratively what we refuse to do through our own bills we pass.

That is where we are today. One of the things I am thankful for is that my amendment got 50 votes. It was 50–50, pretty much down party lines. But the people who are voting against my amendment are saying: We want to have the EPA have this authority—the authority of overregulation of not just the oil and gas industry but all other industries also. The primary target for them would be fossil fuels.

The fact that we have oil, gas, and coal—by the way, there is a fairly recent finding by the Congressional Research Service that we have the largest reserves in the United States—recoverable reserves—of oil, gas, and coal of any country in the world. This is not something you hear on the other side.

We have heard President Obama say several times that we only produce 3 percent of the oil and yet we use 25 percent or whatever it is. Those are proven reserves. The difference is that a proven reserve means you have to drill and prove it is there. But the government won't let us drill. I am talking about the east coast, the west coast, the gulf, the northern slope—83 percent of our public lands are off limits. If we were to open that up, we could be completely independent of the Middle East for our ability to run this machine called America. That is why this issue is very important.

I have already served notice, but I will do it again to make sure it is clear. While we needed 60 votes, we only had 50 votes. I am going to put that amendment on as many bills as come up so we have an opportunity for people to know the seriousness of this problem.

I suggest to you—and I will not name names—that if people, prior to this vote, would have called different individuals, the staff would have responded: Well, we don't know how our Senator will vote, but he will certainly take your comments into consideration.

Now we know because we have the votes in so that we can say which ones did vote for it, and anybody who didn't vote for my amendment is saying they believe the EPA should have that total control that we refuse to give it through legislation.

Anyway, it is not over yet. In fact, I think that was a major milestone, a victory. We now know who is for it and who is against it. I know there will be another 10 Members who will see the light and realize that we still—it is fine, I am for all of the above, for the renewables—wind, sun, thermal—as well as the fossil fuels. We need all of the above to become totally independent and be able to run this machine called America. That is what is coming up. I am happy we have taken the next step, and I look forward to making another step after that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. UDALL of Colorado. 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. UDALL of Colorado. Mr. President, I rise at this late hour in the afternoon to join many of my colleagues who have come to the floor today to express growing frustration with the politics as usual in the Capitol. I say ''politics'' not ''policy'' because I think we should be focusing on policies that will get our country back on track.

I have to say, people who are watching the debate are witnessing potentially an impending government shutdown that I think is needlessly being forced on the American people. That is whom we are, after all, here to serve. I know the Presiding Officer feels that strongly. I am not the first person to highlight how disturbing our long-term fiscal picture has become, but what is equally frustrating is the disservice being done to the American public by this current debate on our budget—a budget, by the way, for the second half of 2011. It is not a budget debate we need to have on 2012 or the longer term challenge the Simpson-Bowles Commission pointed out.

We ought to be focusing on supporting economic development and job growth. While we are doing that, I believe the Senate and some Members of the House of Representatives continue to seek sustained confrontation and seem to me to be interested in shutting down the government as a misguided statement that they are serious about debt reduction. It seems they want to pick a fight for a fight's sake while our people, the U.S. citizens, will be left to pick up the pieces from a shutdown.

The latest demands have not been about funding the government at all. I think we have common ground on what the number ought to be. The fight now seems to be on controversial abortion and climate change issues. I do not understand it. We have this tentative agreement to cut billions from current spending levels, but the Speaker of the House seems to continue to demand we ought to focus on controversial climate change issues.

These are hot-button issues. Why we would insert them in an unrelated budget debate when there is so much at stake is beyond me. I understand we want to show the American people we are serious about deficit reduction. I am. I know the Presiding Officer is.

In Colorado, people see straight through this latest ploy. What do abortion and climate change have to do with finding a compromise on keeping our government running? Nothing. They have nothing to do with that. It strikes me the debate has become increasingly ideological and increasingly about sending a partisan political message, one that leaves the American people paying the price.

We have had 13 straight months of private sector job growth. We have added 1.8 million jobs in that time. But our economy is still fragile, and way too many Americans, way too many Minnesotans, way too many Coloradans are struggling. I have no doubt a government shutdown at this time would create a counterproductive effect on our economic recovery.

Do not just take my word for it. I am a Senator from Colorado. Listen to what top business leaders of all political persuasions are saying. The Business Roundtable president, John Engler, a former Republican Governor of Michigan, said businesses would face the dangerous ''unintended consequences,'' where interest rates could

rise because of a shutdown, and there could be turmoil in our financial markets. Forecasters at Goldman Sachs have warned that a shutdown could shave off growth in our GDP every single week. CEOs of all stripes have warned about a shutdown's impact on confidence in the U.S. economic recovery. The Presiding Officer and I know and Senators from across the country know confidence is what we need to build. That is what is lacking in many respects.

A setback of this nature, a shutdown would actually prevent the growth we tangibly need to address our long-term growth and fiscal balance—in other words, get the economy growing again. We will have more tax revenues and we will see the gap between what we are spending and bringing in narrow.

I cannot help but think, in the context of this debate, about my Uncle Stewart Udall, the father of Senator UDALL from New Mexico. He wrote a book called ''The Forgotten Founders'' that focused on the settling of the West. I should add he focused on the people who were there at the time the Europeans arrived.

The theme of the book was on how the West was settled, how it was built. It made the strong case that people coming out to the West—I think the Presiding Officer's home State, which is in the near West, might fit this characterization—people coming to the West were not looking to get into gunfights or range wars. They were looking to start their lives over to pursue the American dream.

Stewart pointed out that in reality, particularly when we watch those Hollywood movies, people standing on the board sidewalks watching the gunfights were the people who built the West, and they built the West working together, solving problems, looking out for one another. It did not matter what your political party was. It seems to me the American people are standing on one of those board sidewalks watching the same senseless gunfights and range wars right here in Washington, DC.

I know I was sent to Washington to work together and solve shared problems. I suggest this spirit I described is in stark contrast to this new kind of divisive politics that is brewing away in America. It is the kind of politics that furthers disagreement. It draws ideological lines in the sand, and it sows disrespect at the expense of shared interest and collective prosperity. The American people are seeing a disappointing example of that this week.

While a vocal minority seems to favor acrimony and combativeness which, in the end, will further slow our economy, many of us are doing what we can to do the people's business and try in good faith to prevent a government shutdown.

As the American people look on in amazement at this spectacle, I stand with them wondering if Members of Congress will finally settle down, act like adults, and work collaboratively toward a real budget solution.

Yes, we have to reduce our government deficit and debt. One would be hard-pressed to find a Senator more committed to that cause than I am. Let's reach that goal. Let's reach it in a way that protects our senior citizens, our students, our veterans, our border security—I could go on with a long list. Let's do it in a way that slashes spending but does not harm our fragile economic recovery or divert our attention on divisive social issues.

We cannot afford a government shutdown. I will be disappointed, to say the least, if the bipartisan deal that is before us is undercut by contentious, unrelated issues such as abortion and climate change.

I wrote a letter 2 days ago to the Speaker of the House, Mr. BOEHNER, whom I know well, in which a large number of my fellow Senators joined me to suggest to him and urge him to work with us to avoid a Federal Government shutdown. I will stay here all day, all night, whatever it takes. I am here to urge my colleagues in both Chambers—I served in the House and I now have the great privilege of serving in the Senate—let's sit down together, let's reason together, let's be commonsensical together. Let's find a compromise. That is the American way. I know that is what propelled me to the Senate, my willingness to work across party lines. I think the Senate of the United States could set an example. There are colleagues on both sides of the aisle who have worked together, and we know the stakes are high.

That is the reason I came to the floor, to urge Senators of both parties to work together to find a commonsense compromise to keep this government moving forward and make sure our economy is focused upon and we produce as many jobs as possible. That is job one.

Mr. President, I thank you for your attention and for your interest. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CARDIN. Mr. President, I take this time because we are now only literally hours away from a potential shutdown of government. I must tell you that my constituents are angry about this, and I join them in saying this should never happen. There is no reason why we should have a government shutdown.

We know the financial issues, and there have been good-faith negotiations. It is my understanding we have pretty much resolved the financial issues. And, remember, we are dealing with 12 percent of the Federal budget. We need to get to the 2012 budget and get a credible plan to deal with the deficit. We all understand that. We are talking about the 2011 budget—the budget that started on October 1 of last year and will end on September 30 of this year. We are over halfway through that budget year.

There are differences between where the Democrats were and where the Republicans were. Everyone understood it couldn't be what the Republicans wanted or the Democrats wanted; that we needed to have good-faith negotiations. Those negotiations have taken place, and it is my understanding we have pretty much agreed on the dollar amounts and we are prepared to move forward.

But let me talk a little about what will happen at midnight tomorrow night. I have the honor of representing the people of the State of Maryland. There are almost 150,000 active civilian—civilian—Federal employees who live in the State of Maryland. I happened to bump into one of those Federal employees today who asked me a question. She asked me: What am I supposed to do if we have a government shutdown and I don't get a paycheck? I don't have any savings. How am I going to pay for my mortgage?

We already have too many people whose mortgages are in jeopardy because of the weakness of our economy, and now 150,000 Marylanders are in jeopardy of losing their paycheck as a result of the inability to resolve this year's budget.

I also happened to talk to people who run our Metro system here, and they told me if we have a government shutdown it will mean $1 million less in the fare box, possibly every day, because of the number of people who won't be taking the Metro because they are not going to be going to work. A lot of Federal workers are not going to be going to work.

Guess what. They are not going to stop at the coffee shop to buy coffee or buy that lunch. They won't be patronizing the shops. It is going to hurt the small business owners who depend upon that business; depend upon the people who use their paychecks to do their cleaning or go to the different shops. It is going to hurt our economy. It is going to hurt innocent small business owners, just at a time that our economy is starting to recover.

I will give another example. A person contacted me today, one of my constituents in Maryland who happens to have an issue concerning the need for a passport to be issued. It needs to be issued rather quickly. We are going to try to accommodate that person to get it done by tomorrow. But suppose that call would have come in next week after there is a government shutdown and that person has travel plans that now may be disrupted because we cannot issue that passport. The list goes on and on of people who are going to be

hurt as a result of a government shutdown.

We know a government shutdown will actually cost the taxpayers more money. A shutdown costs taxpayers money, More money than the differences in our negotiations in the last couple of days will be lost. So don't tell the taxpayers of this country that we are having a government shutdown to save money. It will not save taxpayer money, it will cost them additional moneys. It will jeopardize our recovery, and individual people will get hurt as a result of the government shutdown.

What is the issue? We have already said the money issues—this is a budget debate—have been pretty well resolved. It is not the dollars. It is not the differences you heard—and the differences, frankly, were quite small compared to the size of our budget deficit and the gap between spending and revenues. The issue that is now being raised by the Republicans has nothing to do with dollars. It has to do with their social policies. It has to do with family planning. It has to do with the Environmental Protection Agency being able to enforce our environmental laws, the Clean Air Act. Does that sound familiar? It should because we debated those issues on the floor of the Senate yesterday, and we took votes on these environmental issues yesterday on the floor of the Senate, as we should do, debating these issues on their own individual merits.

It should not be included in the budget resolution for the remainder of this year. That is not the appropriate place for it. We are not here to debate the social agenda. Those issues should be done on the bills, the substantive bills that come forward.

You sort of get a little suspicious as these issues are being raised as to whether, in fact, those who are negotiating on the Republican side are sincere in trying to reach an agreement to prevent a government shutdown or whether they continuously move the goalposts and change the rules in order to bring about a government shutdown.

I must tell you, I was disappointed, as I heard Republican after Republican in the last couple of weeks talk about a shutdown might be good for the country; if we have a shutdown, so be it. Let's do it. Even some Republicans calling for a shutdown.

I understand there is a problem the Speaker of the House has in dealing with the members of the Republican caucus who belong to the tea party, and they are insisting he not compromise; they don't want to see any compromise. I understand that, but those Members do not control the process. We have a majority of the Members of the House and a majority of the Members of the Senate who are prepared to move forward with this compromise that will not only keep government functioning but will allow us to get on to the real issues of dealing with the deficit of this country by looking at the 2012 budget. There we will be considering more than just the discretionary domestic spending cuts, we also can take a look at the other programs, including military and mandatory spending and revenues, and get a credible plan to deal with the deficit.

We have enough votes among the Democrats and Republicans to pass this compromise. We do not have to yield to the extremists on the Republican side in the House who do not want to see any compromise whatsoever, but what worries me is that perhaps the design is to close the government; that is what the Republicans want. I know Speaker BOEHNER got a standing ovation when he informed his caucus to begin preparing for a possible shutdown.

These are serious issues—like that Marylander I talked to today who may, in fact, lose her home if there is a government shutdown or that constituent who had planned a trip and found out that because their passport will expire shortly, they need to get it renewed before they are permitted to enter a foreign country and will need to get that passport tended to or lose the opportunity to travel, perhaps, for a family event or perhaps for business or the taxpayers of this country who are scratching their heads saying: What are you doing adding to the cost of government when I thought this was a debate about reducing the cost of government.

It is not about the dollars. If we have a shutdown of government—and I really hope we do not have a shutdown of government, but if we have a shutdown of government, it is not the dollar difference, it is the social agenda that the Republicans are trying to push through this document, that should not even be on this document, that they are now using as a reason to deny a compromise. It is the extreme elements within the Republican caucus who are saying let's have this government shutdown who will be getting their way.

There is still time remaining. I hope common sense will prevail. I hope people understand how serious a government shutdown is to our country, to our image internationally, to our ability to conduct business internationally, as well as our ability to provide the services to the people of this Nation who expect those services. We still have time. This is a democracy. Let the majority rule. I think we have the majority of Democrats and Republicans alike who want to bring this issue to conclusion, who know that we have a good compromise done right now that compromises the differences between what the Democrats would want and what the Republicans would want. That is how the process should work.

Yes, I am here—representing the people of Maryland, including a large number who work for the Federal Government and a large number who depend upon those who work for the Federal Government and a large number who depend upon the services of the Federal Government—to say let's get this done, not yield to the few on the Republican side in the House. Let's get this job done for the people of Maryland and for the people of this Nation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. THUNE. Mr. President, tomorrow night at midnight, unless steps are taken, we will be facing a government shutdown. When I say steps are taken, steps are taken to avoid that. That can happen one of two ways: That could be an agreement that funds the government through the end of the fiscal year, which would be September 30 of this year, and there are negotiations that continue on dealing with that issue, or there could be a short-term continuing resolution that would take us through the next week that would enable those who are negotiating a longer term agreement to continue their discussions and hopefully to conclude a successful outcome to those discussions.

I want to remind my colleagues—and I believe I have been on the Senate floor a number of times speaking to this issue, but I think it bears repeating—why we are here, why we are in the middle of the sixth continuing resolution. This is the sixth short-term continuing funding resolution that we have had to live with since the end of the fiscal year, which was September 30 of last year.

The reason we are here is because last year the Democratic majority in Congress failed to pass a budget and failed to pass a single appropriations bill. They didn't fulfill the most fundamental responsibility that we have to the American taxpayers; that is, put together a budget that funds their government. So we have funded the government through these successive continuing resolutions. As I said before, we are now in the middle of the sixth short-term funding resolution which expires tomorrow night at midnight.

My colleagues on the other side have been coming to the floor and attacking the Republicans for wanting to shut down the government. I would say to my colleagues that nothing could be further from the truth. I think everybody here recognizes that no one benefits from a government shutdown. Frankly, the effort has been made in the House of Representatives to pass a long-term funding resolution that would take us through the end of the fiscal year, through September 30 of this year, but that failed in the Senate. We had a vote on that. It failed and there has not been, since that time, any meaningful effort made on the part

of the Democrats in the Senate to put forward a proposal that might, in fact, be able to pass the Senate and ultimately pass in the House of Representatives.

So we triggered these discussions between the White House and the leadership in the House of Representatives and the leader of the Democrats in the Senate. My understanding is those discussions continue. I hope they will reach a conclusion, a successful conclusion, but until that time happens we need to do something to make sure the government stays open beyond tomorrow night at midnight. So we will receive from the House of Representatives a piece of legislation that they passed earlier today, a continuing resolution that actually reduces government spending by about $13 billion, discretionary spending, all cuts that have been agreed to by both parties, and also extends funding for the military through the end of the fiscal year.

There has been a lot of discussion about we need to provide some certainty for our military so they can plan. I agree with that absolutely. I met with members of our military, with our military leadership. It is important that we take care of the funding needs that they have through the end of this fiscal year.

So what did the House of Representatives do? They took a series of spending reductions which had been agreed upon, as I said, by both parties; they funded the military through the end of the fiscal year, through September 30; and they added a couple of provisions to that legislation that had been widely supported by both parties in the Congress.

There is a ban on abortion funding in the District of Columbia which has been supported by the Democratic leader, the Democratic whip on countless occasions. They included a provision that would prevent funding being used to bring detainees here and try them in the United States instead of at Guantanamo Bay. That is something widely supported. In fact the last time it was supported was when the Defense authorization passed late last year in December, and it passed by unanimous consent. So many of my Democratic colleagues are on record supporting all the elements that are in this continuing resolution that will be coming over to us from the House of Representatives.

The question then becomes, Who is it that is trying to trigger a government shutdown?

I am not here this evening to play the blame game. I do not think that serves anybody's interest, nor do I believe a government shutdown serves anybody's interests very well. I think the American people expect us to find solutions. They expect us to work out our differences but eventually to agree. I think that has certainly happened in the form of this continuing resolution that is coming over from the House of Representatives.

In fact, it passed the House today with 247 votes, including a number of Democrats. There were a number of Democrats who voted with the majority of Republicans in the House to pass a continuing resolution that takes on the issue of out-of-control Washington spending, which has been very clearly documented. We need to get spending under control.

We are adding to the Federal debt at a rate of $4 billion every single day, which means by tomorrow night at 6:30—it is 6:30 tonight—tomorrow night 6:30 on Friday, we will have added another $4 billion to the debt. That is the debt meter we are running. Every single day we add $4 billion to the Federal debt that we pass on to future generations.

We are borrowing over 40 cents out of every single dollar the Federal Government spends. We cannot continue to do that. We will take in $2.2 trillion this year, spend $3.7 trillion. That is $1.5 trillion in deficits in a single year. Add that up year after year after year and we end up with a $14 trillion debt, which is where we are today. It is growing at $1.5 trillion every single year.

So we have to get spending under control. I understand there is not a lot of appetite on the other side of the aisle for taking on Federal spending. In fact, many of my colleagues on the other side thought it was an ambitious proposal when they put forward an alternative to the Republican-passed bill that cut discretionary spending by $61 billion. They put forward an alternative that cut $4.7 billion.

That is the equivalent of the Federal debt we will add in the next 24 hours. That was their, I guess, idea about a serious effort to meaningfully address deficit spending and debts. The fact is, we have to deal with the issue of out-of-control spending.

Clearly, the continuing resolution, the short-term continuing resolution that passed the House, is coming to the Senate, takes on that issue, but does it in a way that cuts spending—spending cuts that, as I said, both sides have agreed to. It is a mystery to me as to why our colleagues on the other side would reject a proposal that includes spending cuts that have been agreed upon by both sides.

Frankly, if, in fact, it is true, in the reports I have read, that Democrats would accept somewhere on the order of $43 billion in cuts for the balance of the fiscal year, this represents about $12 or $13 billion. So we are still considerably under what they have agreed to in terms of a total number, but with regard to the actual cuts that are suggested by the House-passed legislation, they are, by and large, cuts the Democrats have agreed with.

So we have agreement on these reductions in spending, we have a general agreement that we ought to fund the troops through the end of the year, and we have an agreement on the so-called riders—at least there has been agreement in the past, broad bipartisan support. I would argue that the two particular provisions on this bill are provisions that are supported by probably 70 percent of people across this country.

So we have a piece of legislation that has broad bipartisan support, that has come over to us from the House of Representatives, and that would prevent a government shutdown at midnight tomorrow night. It is a great mystery as to why our Democratic colleagues would not accept that and do what I think is in the best interests of the American people; that is, at least get us into next week, where a final negotiation on the longer term continuing resolution can be concluded.

We have a problem in this country. We have a government that is spending way beyond its means. We have to start living within our means. We cannot continue to spend money we do not have. The efforts that are being made to reduce spending are long overdue. I hope they can conclude a successful agreement on a longer term resolution that would get us through the end of this fiscal year.

But I think it is important to point out, right here right now, that we have an opportunity to prevent a government shutdown, to fund our troops through the end of the fiscal year, and to reduce, in a meaningful way, spending, with spending cuts that have been agreed to by both sides in the form of this continuing resolution that was passed in the House this afternoon, with a large number, not a large number but a significant number of Democrats supporting it.

I would suggest to my colleagues on the other side, and I hope they will work with us to make sure we avoid a government shutdown, that we fund our troops and that we make a meaningful dent in out-of-control Washington spending. I would, again, as we approach that time tomorrow night at midnight, hope the leadership on the other side will take up that legislation that was passed by the House of Representatives, give us an opportunity to vote on it. I will submit there will be a large bipartisan vote in the Senate. If we do not have a large bipartisan vote, it will suggest that there are a lot of people who have changed their positions on the issues that are included in this piece of legislation because they are all things that many of us on both sides have supported and I suspect continue to support.

That will avoid that witching hour tomorrow night at midnight, where the government shuts down. They have given us an opportunity to vote on legislation that would do that. I hope we will take them up on that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri

Mrs. MCCASKILL. Mr. President, I think there are times around here that we lose sight about what real people are doing in our home States. I think we lose sight of the struggles, their

daily struggles, how they live their lives with integrity and honor every day and go to work.

Yesterday, we got a call in my office from a young lady. She was on her cell phone. She is a nurse, a nurse's aide at the VA hospital in St. Louis. She was on her break, and she was on her cell phone.

She talked to the young lady who answers our phone and said: I want you to tell the Senator that I have got kids, and I bring home the paycheck. The way I feed my kids is with my paycheck I get working here at the VA hospital, and I am scared. I am scared about what is going to happen if all of a sudden I quit getting my paycheck. I have no place to turn. I am a single mom, and I am very worried.

Then, she said: Would you hold on a minute? Then she handed her cell phone to someone else in the break room at John Cochran VA Hospital, and then that woman handed the cell phone to another woman. By the time this conversation was over, the young lady who answers the phone in my office had talked to half a dozen women who do not make a lot of money, who go to work every day caring for our veterans in a veterans hospital.

You know what they all said? Why is this happening? Why is this happening? If Latonya and her friends were here right now, I would say: You know what, that is a darn good question, why this is happening. This is not a game. This is not a game of ping-pong, where we are hitting the ball up and down this hall from the House to the Senate, fighting over divisive social issues that, frankly, our country has struggled with for decades and will continue to struggle with.

This is about running our government and about the money it takes to run our government. That is all it should be about. It should not be a time for us to argue about Gitmo. It should not be a time for us to argue about women's reproductive health. It should be about funding our government. We have many other occasions we can debate those issues and disagree. And reasonable people do disagree.

But now is not the time to debate those issues at the 11th hour, when Latonya is not going to get a paycheck to feed her kids. I am for cuts. I have been the odd man out many times in caucus fighting for cuts. I worked on spending cuts last year with Senator SESSIONS from Alabama. I continue to work with Senator CORKER about cuts.

I am somebody who said the original proposals that my caucus made were way too little. But you know what I am beginning to feel like? I am beginning to feel like I have been duped, because I thought that was what this was about. I thought it was about cuts.

Let's review the facts. The chairman of the House Republican Budget Committee and the Speaker of the Republican House said we need to cut $32 billion out of the remaining budget this year. I have to tell you the truth. I did not think that was unreasonable. I will admit, I am to the right of much of my caucus on some of this cutting stuff. But I did not think that was unreasonable. So I was glad when we went to the Republicans and said: You know what, we will cut. We will cut what you wanted to cut. In fact, we will cut more than what the House Speaker and the chairman of the House Budget Committee wanted to cut. That is where we are today. We have put more cuts on the table than they initially recommended.

I am beginning to realize this is not about cuts. This is about a much more extreme agenda that has to do with social policy, not about money. They keep moving the goalpost. What is the number? They keep moving the goalpost. We have gone more than halfway. In my neck of the woods, that is called a compromise.

We have the Republicans controlling the House, the Democrats control the Senate. That is why compromise is so important. What is wrong with a compromise? Let's do the compromise, fund the government, and get on with it, so Latonya can get her paycheck and the other women who work with her at the VA hospital can get their paycheck.

They will not take yes for an answer on cuts at this point. They want to make it about something else. Was the CR today just about military pay? No. No, it was not. I did notice one thing they did not put in the CR today. Why will the House Republicans not pass the bill we had asked them to pass to cut our pay if the government shuts down?

I will certainly not take a paycheck, and no one should take a paycheck. Why is that not being passed by the Republican House of Representatives? Why was that not put on the CR today? They want to, once again, pass something about moving people out of Gitmo, which has nothing to do with the budget for the rest of the year. When they were doing the Gitmo thing, why did they not put the pay for Members in there? Why did that not occur? I know the talking point is that—this is one of the talking points we are hearing from the other side: Well, you should have gotten this done last year. We can get it done today—we can get it done today.

We have gone more than halfway on a compromise. This is no longer about the cuts. This is not about the money; this is about an extreme agenda.

Latonya's paycheck and the paychecks of her friends in the break room at the VA hospital hang in the balance. Let's review what happened last year on the budget. The Republican Party participated in every Appropriations Committee in the Senate, and every Appropriations Committee passed a bill.

At the end of the year, that bill was brought to the floor because the appropriators believed the Republican appropriators were supporting the bills they helped write. In fact, those Republican appropriators stuffed that bill full of earmarks for Republicans. Hundreds of earmarks for Republicans were stuffed in that bill.

It was brought to the floor. I remember the night it was brought to the floor. It was in the lameduck. Then the Republicans decided they did not want to support it anymore. By the way, it was not as if passing anything around here was easy last year. If anybody was paying attention, it was about: Let's drag this out. Let's be stubborn. Let's make sure they have to get 60 on everything.

Is there blame to go around that the budget did not get done last year? Sure. There is blame that can go on both sides of this aisle. I am not here to say it was the Republicans' fault or the Democrats' fault. But certainly it takes a lot of nerve to say the only reason we do not have a budget is because the Democrats were not willing to pass a budget last year.

It was a little more complicated than that, if people will remember the facts as they occurred at the time. So it appears to me now that there are certainly a lot of people down the hall who want the shutdown. I was interested when I saw in the paper that when Speaker BOEHNER announced to his caucus they were preparing for a shutdown, he got a standing ovation.

Well, I can assure you, there are no standing ovations in our caucus. There are no standing ovations. I will tell you what, when I go to sleep tonight, I am going to be thinking about Latonya. I am going to be thinking about her kids and what she is telling them tonight and what not getting one paycheck means to that family. Just one paycheck can make the difference, can send a family down the path of getting behind on the mortgage, behind on the bills, and then not having a way to catch up. That is what we should be thinking about right now, not about those social issues that we disagree on and that we can debate and disagree on for many years, as we have for the last 40. But really, can we get a number? Can we make the goalpost quit moving? Can we agree on the cuts and then get on to the hard work? How embarrassing is it that we are fighting over literally a few billion dollars in difference.

If this is so much about cutting the debt—for another day, I want to talk about this, but, really, the Republican budget was released this week. Guess what it adds to the deficit over the next decade. The Ryan roadmap adds $8.2 trillion to the deficit over the next decade. That is how serious they are getting about the deficit. It cuts taxes for a lot of wealthy people. It doesn't do much on the deficit.

I am all for cuts. I have stood for cuts. I will continue to stand for cuts. This government has to shrink. But what is going on right now is a political game. It is shameful. It should

stop. We should make an agreement on the numbers, move on, and make sure Latonya gets paid.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I rise as someone who lives in a State where we balance our budget every year, where the citizens of Wyoming and families all across the State live within their means, balance their budgets. They know what it means to have to live within a budget. That is why our State is one that currently today does not have a deficit, does not have a debt, a State where every year, by constitutional mandate, we balance our budget. It is time for Washington to take a lesson from Wyoming and balance its budget. This irresponsible spending must stop.

Here we are, a day from when it looks as if we may be dealing with a government shutdown, and I am ready to vote. I am ready to vote for a bill that already passed the House of Representatives early today. I am ready to vote to keep the government open and functioning, to make sure services are there. The bill passed the House. People who have studied civics in school realize that is how we make a law in this country. It passes the House, the Senate, goes to the President, who signs it into law. The bill has already passed the House. It is coming to the Senate. I don't know where other Senators are, but I am ready to vote.

I heard my colleague talk about a shutdown and who was rooting for a shutdown. It is no surprise to people who may be watching at home that it is former Democratic National Committee chairman Howard Dean who is rooting for a shutdown. The former chairman of the Democratic National Committee says:

> I think it would be the best thing in the world to have a shutdown. He is the spokesman for the party of the other side of the aisle. That may be what he wants. I don't want to do that. I want to vote for the bill that passed the House. It is the only proposal that is out there. I haven't seen the Democrats offer anything. Even the New York Times said of the President that he was ''silent for too long.''

We have heard our previous speaker talk about the social issues. Let's remember that it is convenient amnesia for Democrats to talk about that specific issue because the President voted for and signed into law spending bills that included similar—actually the identical social issue in the past, the one he is opposing today. So did 49 current Senate Democrats. They also voted for a spending bill that dealt with that social issue. Why all of a sudden today it is different? I believe it has to do with what the former chairman of the Democratic National Committee said:

> I think it would be the best thing in the world to have a shutdown.

Republicans are proposing solutions. What do we see from the other side of the aisle? We see the senior Senator from New York saying, ''I always use the word 'extreme.'\'' It doesn't matter what is proposed. He says, ''I always use the word 'extreme.'\'' There are tape recordings of him saying this. He then said, ''That is what the caucus instructed me to use this week.'' Regardless of how reasonable a proposal may be, regardless of the solutions that may be proposed, ''I always use the word 'extreme.' That is what the caucus instructed me to use this week.''

I travel back and forth to Wyoming every weekend, visit with people and sit around at different locations, sometimes a morning breakfast group, sometimes it is people at lunch, dinners, community meetings.

I ask them: How many of you believe you have a life that is better than your parents had?

Every hand goes up.

Then I ask: How many of you believe your children will have a better life than you have right now?

Very few hands go up. That is the problem.

I ask them: What is the concern? Why do you believe you have a better life than your parents did but your children will not have as good a life as you?

The answer they give is the debt, the reckless spending in Washington—reckless, irresponsible, unsustainable. Yet, when we want to go ahead today, do cuts in spending, keep the military going, deal with the issue at hand, keep the government functioning so we can come back and continue to work on the debt and the spending, this body is not ready to vote.

I am ready to vote. I am ready to vote for the only proposal on the table—the one the Republicans in the House of Representatives passed today. That is real leadership. It is a plan. It will work. It is what the American people are asking for.

I have people from Wyoming coming to Washington all the time. They say: We realize things are tough this year. They come and explain a program that is good for people in the community, good for children, good for seniors—I met with six or seven groups like that today—good for students in school. They say: We know that all of us are going to have to deal with the realities of the facts, that we can't continue with this unsustainable spending where 40 cents out of every dollar we spend is borrowed, significant amounts from overseas. Our No. 1 lender is folks in China. I say: Is that your concern? That is absolutely the concern I hear around the State of Wyoming.

They see that the President of China comes over and tells America a few weeks ago that he wants the Chinese currency to be the currency of the future and the dollar to be the currency of the past. That is because he knows we have an addiction to spending, and it must stop. That is what I hear from people from Wyoming who come here as well. They say: We need to make sure we get the spending under control.

It seems reasonable to get back to the level of 2008 spending. That is the level many American families are living under. They balance their budgets. It is time for Washington to do the same.

I know the people in Wyoming. I have visited with a number through the week and in many communities last weekend—in Worland, Caspar, Laramie. What they are saying is, get the spending under control, and do it in a reasonable manner. But for someone to come from the other side of the aisle and say he thinks the best thing in the world to do is to have a shutdown and for another person to say he always uses the word ''extreme'' because that is what his caucus instructed him to use this week—that doesn't solve the problem. That doesn't let us find a solution. There is a solution on the table right now. It is a solution that has been proposed. This Senate ought to be voting on it tonight.

For the President to say he is going to veto it shows that the President is truly not engaged in this process. He has been silent too long, according to the New York Times. His budget that he has proposed, the Economist, a world-renowned, respected publication, called ''dishonest.'' That is not the kind of leadership we need. We need someone in the White House fully engaged, taking an active role, and making sure we get back on a course that is responsible, that allows us to live within our means, as families know, because we have to stop spending money we do not have. Stop spending money we do not have. That is the way for Washington to behave in a responsible way, to make the difficult decisions necessary for the future of the country, to focus on the issues that affect families and their needs. Families who are trying to deal with kids and bills and a mortgage know what it means to have to live within their means.

When we see policies coming out of this administration that are ones making the pain at the pump even worse, as families are noticing they are paying $700 on average more for gasoline this year than last year, that is money that is not available for other bills or for a mortgage or to help with their kids. Those are the issues they are facing, people trying to pay for their own health insurance, realizing the increased cost of the insurance because of the Obama health care law that passed way over the objections of the American people, crammed down the throats of the American people by the other side of the aisle.

The American people are saying: This is absolutely wrong. That is why I think we saw last November the election results we did across the country. That is why we see people continuing to stand up and speak out across the country. That is why people continue to go to townhall meetings and share their views about the problems happening in this country.

It is interesting. When I think of the great Presidents through the history of our country—we all have our favorites—I think of Ronald Reagan. He said that you can't be for big government and big spending and big taxes and still be for the little guy. We have on the other side of the aisle people who are for big government, big spending, and big taxes. They are not for the little guy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I have been listening to the remarks of my friend from Wyoming. I noticed that he repeatedly indicated that what we needed to do in this building was to keep the military funded, to deal with the deficit, and to cut spending. It is my firm belief that if we were sent a bill that kept the military funded, that dealt with the deficit, and that cut spending, it would pass in the Senate very readily. Indeed, we have already agreed to $73 billion in spending cuts. As Senator MCCASKILL said earlier, the problem is that the Republicans won't take yes for an answer.

The issue dividing us at this point is not the need to keep the military funded. We completely agree on that. It is not the need to deal with the deficit. We agree on that. Indeed, the last time we successfully dealt with the deficit, it was under the Democrats. Clearly, we have gone way more than halfway by agreeing to cut $73 billion in spending. So as to those three points, the answers are yes, yes, and yes. So what is the problem?

The problem is two riders that are being insisted on in the negotiations, one of which would eliminate funding for Planned Parenthood and the second of which would gut the Clean Air Act—Planned Parenthood and the Clean Air Act. I thought this was about the deficit. I thought this was about solving our fiscal situation. The facts are a little different.

Here we are, mere hours away from the first government shutdown since Newt Gingrich forced one during President Clinton's first term. We are facing some 800,000 Federal workers being furloughed; millions more, including men and women in uniform, who will begin working without pay. Projects will grind to a halt. People working under government contracts will stop. There will be a real danger to our fragile economic recovery that is just starting to gain steam. Why take that risk?

In front of cameras all week, Republicans have been saying that despite these dangers, they will threaten a government shutdown because we need to tackle the deficit. The story behind the scenes is quite different. Even though the tea party has focused 100 percent of its cost-cutting fury on only 12 percent of Federal spending—only the nonsecurity, so-called discretionary spending—we agreed to the level of cuts Republicans wanted. Nothing on the revenue side, everything on the spending side, and only from 12 percent of the budget, and yet we were still able to come far more than halfway to where the Republicans are, virtually within single-digit billions of dollars of agreement. Yet we still find ourselves without funding for the government beyond tomorrow night.

We have heard today that it has to do with the fact that we did not pass a budget last year. Well, we did not pass a budget last year, but we tried. As Senator MCCASKILL pointed out, she and I were on the floor when the omnibus spending bill came to the floor. It had been negotiated in a bipartisan fashion. It had come through all the different appropriating committees. It would have funded the government through September 30. We thought we had an agreement, and at the last minute all of the Republicans who had agreed to it changed their minds, literally while we were on the floor. The bill went down. One Republican Senator even took to the floor to gloat about the end of that bill.

So it is a little bit of crocodile tears to blame the Democrats for not having an appropriations and budget bill at this point from the side of the Chamber that took that bill down, that pulled their individuals who had participated in that bipartisan bill out of the deal, that filibustered it, and that shut it down. That is why we are here today. The minority party used its filibuster power, walked away from a deal it had already signed off on, and took down the spending bill. So here we are. It is important to stay somewhat close to the facts.

So now the Republicans are using the deficit concerns, which I think Senator BARRASSO said very clearly: Keep the military funded, deal with the deficit, and cut spending. That is what we are prepared to agree to do. But the bill we are being asked to agree to now is a Trojan horse. It is a Trojan horse that looks like a deficit bill, but inside it is filled with tea party ideology. It is filled with an extremist rightwing political agenda to do things like eliminate Planned Parenthood and give America's polluters free reign in violation of the Clean Air Act as it has been determined by the U.S. Supreme Court to apply. This is no longer about the deficit; this is about trying to force a very radical agenda down America's throats in a Trojan horse that looks like it is about the deficit.

What is it really about? Well, you do not have to go very far from this building. Just a few days ago, outside, you had the tea party ralliers, and what were they chanting outside of the Capitol? They were chanting, ''Shut it down. Shut it down. Shut it down.'' That is what the tea party wants. That is why we are here. And, sure enough, when the Speaker went to his caucus on the Republican side and announced to them—to the people who are actually here making decisions in this Congress—that he was notifying the administrative staff on the House side to prepare for a shutdown, what was the reaction? It was a standing ovation supporting the Speaker in that.

So on the outside of the building, you have the tea partiers chanting, ''Shut it down. Shut it down. Shut it down.'' You have the extreme Members of the House Republican caucus out there with the tea partiers, egging them on, ''Shut it down. Shut it down. Shut it down.'' They come back into the building. The Speaker says: We have to get ready to shut it down. They give him a standing ovation. They could not be happier about this. They load the bill up with things that have nothing to do with funding the military, nothing to do with cutting the deficit, nothing to do with bringing down spending, but instead accomplish ideological missions that the Republican Party has been on for years.

Mr. SCHUMER. Will my colleague yield for a question?

Mr. WHITEHOUSE. Absolutely. I yield for a question.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. First, I thank him for his outstanding remarks. My question is this: Isn't it true we have had many, many Republicans in the House, Sarah Palin, Newt Gingrich, some Presidential candidates, erstwhile potential Presidential candidates, as well as even some of our colleagues here, Republicans, saying they want to shut down the government?

My question to the Senator is, I cannot recall a single Democratic elected official saying they want to shut the government down. My second question is, Doesn't that show something about who is itching for a shutdown or at least thinks they can use the shutdown to accomplish an agenda?

Mr. WHITEHOUSE. I agree with the Senator from New York. I cannot recall a single Senator expressing any desire for a shutdown. I have been present in our caucus meetings. Not one person has once said there is anything good about a shutdown.

We are all gravely concerned about what a shutdown would do to our fragile economic recovery. This is still about jobs, ultimately. We still have to grow an economy in this country. And when we shut down every government contract and put those people out of work, when we shut down every government project and put those people out of work, when we take paychecks away from government workers and when we furlough government workers, what does that do to the economy? Any economist will tell you it strikes a terrible blow. We recognize that, and that is why no elected Democratic official has said one good word about a shutdown.

That is very different from what we are seeing from the other side, where standing ovations, where chanting mobs, egged on by sitting Members of Congress, where public statements by candidates for President and by Members of Congress have all said that the shutdown——

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

Mr. SCHUMER. I thank my colleague.

Mr. WHITEHOUSE. My time has expired. I thank the Senator from New York for his question.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Chair and would share a few things.

If my Democratic colleagues would prefer not to shut the government down, then do not do it. The House, the Republican House, has passed a bill to fund the government, to fund the Defense Department, and the Senate, the Democratic Senate, has passed nothing. Indeed, the Democratic leadership proposed a bill that they said was worthwhile that would have reduced spending by $4.6 billion. Ten Democratic Senators defected from the leadership position—a pretty gutsy thing to do on an issue as important as this.

Mr. WHITEHOUSE. Will the Senator yield for a question?

Mr. SESSIONS. I will be glad to yield for a question, although my time is limited.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I thank the Senator for his courtesy in yielding for a question.

Mr. SESSIONS. All right. Go ahead.

Mr. WHITEHOUSE. If, in fact, this is really about the deficit and if, in fact, this is really about reducing spending and if, in fact, this is really about ensuring the military remains funded, why is it necessary to have it be a nonnegotiable condition of the bill that Planned Parenthood be zeroed out and that the EPA be prevented from enforcing the Clean Air Act? I do not see that there is any connection between those two requirements and the deficit, and I think, if the party were willing to give up those two demands, we could solve this very quickly. It is those two demands that are fouling things up and forcing a shutdown.

Mr. SESSIONS. Well, I appreciate the Senator's comment. I would like to respond to that. The House has sent over a bill that does not have those provisions in it—a 1-week extension, and it funds the military. It is available to be passed, also, and would allow further discussions and negotiations on how to complete the last of the year without affecting the military.

I just have to tell you, I have no desire to fund Planned Parenthood, the largest abortion provider in America. Maybe that is what you think Federal taxpayers ought to spend their money on, but I do not. But that is not the critical issue.

The critical issue is how much we spend. I certainly agree with that. The House has sent over legislation, both for the whole fiscal year and for a short term, to continue it. If this government is shut down, it will be because of the Democratic Senate and the threat of President Obama to veto this legislation if it were passed. Why don't they bring it up for a vote? Perhaps it is because a number of Democrats who are uneasy about this reckless spending might feel that voting for this would be a good way to continue the negotiations and work through it and it might pass. So the President has now jumped into the middle of it and proposed to shut the government down.

And I do not appreciate my colleague—who is fine; we serve on the Judiciary Committee together—talking about that this is all extremist rightwingers. Give me a break. He said: They really have this secret agenda. They pretend it is all about the deficits. It is not about the deficits. It is about some extremist rightwing agenda.

He then launches into a full-fledged attack, as has Senator SCHUMER, on the tea party, some of the best people in our country who got terribly afraid for our Nation and went out and marched all over America—millions, tens of millions—who had never before done anything like that. I talk to them all the time. Are these bad people?

And let me tell you, Erskine Bowles, former Chief of Staff to President Clinton, chosen by President Obama to head his debt commission, came before the Budget Committee just 2 weeks ago, and he and Alan Simpson, his co-chairman, issued a written statement: We are facing the most predictable economic crisis in our Nation's history. ''Predictable crisis'' means we could be thrown back into another recession or a depression. When asked by Chairman CONRAD, our Democratic chairman, when this might happen, what did President Obama's chairman say? Two years, maybe a little before, maybe a little later. Alan Simpson piped up: I think 1 year.

Hopefully this is not so. Hopefully, we are not going to have a debt crisis in a year or 2 years. But these people who took testimony for weeks and months and provided their opinion on how to fix our debt, they say we are facing a debt crisis that could put us into a recession and surge unemployment, even though it is just beginning to come down a little bit. This is not a Republican-Democratic squabble. These are Democratic leaders who warned us.

Alice Rivlin headed the other commission with Pete Domenici, our former chairman of the Budget Committee. Pete Domenici, now retired from the Senate, said: I have never been more afraid for my country—one of the most eloquent orators I have ever heard in the Senate—never been more afraid for my country. When you have deficits—this year, we take in $2.2 trillion and spend $3.7 trillion—borrowing 40 cents of every dollar we spend, we are creating a nation at risk. That is what we are talking about.

So this past election, it was a big issue. All over America, candidates ran for office, and the ones who were the big spenders, who were in denial about the danger the Nation faces, got shellacked. Sixty-four Republicans got elected to the House—the biggest Republican victory in 80 years—over one issue, really. Spending, that is what it was.

When we came into the Senate they had only passed, when they had this supermajority in the House and in the Senate, a 5-month continuing resolution. The Democrats didn't pass a budget nor did they pass a single appropriations bill. So everybody knew that after this election, the funding level was going to be reduced. The American people had spoken.

He walks in, our majority leader, HARRY REID, and says, We will cut spending by $4.6 billion out of $3,700 billion we spent. Give me a break: $4.6 billion out of $3,700 billion that we spent is somehow significant? The House only recommended $61 billion in the last 7 months, but that makes a difference. When you reduce the baseline, $61 billion—and the interest you save—$61 billion plus interest, it adds up to $860 billion saved over a 10-year period. That is coming close to $1 trillion in savings, by that one act. But when you spend on the upswing, likewise, you end up raising the baseline and surging spending and debt. That is why we have to get responsible, and when we do, we can make a bigger impact than a lot of people think.

I remain unhappy and stunned that my Democratic colleagues are in full-fledged attack on the good and decent people who stood up and complained about what was happening in Washington and now don't hesitate to attack the tea party as extremists. I object to that. I think it is wrong.

We are in a serious problem. I think many of my colleagues—I know many of my colleagues on the other side of the aisle have expressed to me that we need to do better, that we have to change the trajectory we are on. I think there is a real possibility for bipartisan action, but it is only a possibility. I actually have been fairly hopeful, but—we have had a lot of talk on the other side of the aisle, but I haven't seen anything moving—nothing—except the President's budget.

The Senator from Wyoming said ''The Economist Magazine'' called it dishonest. It is. What they said about it was it has been found false by five different fact checks. They say it calls on us to live within our means. The budget director said it will allow us to pay down our debt, when the lowest single deficit we are projected to have under the budget the President submitted to us is $748 billion.

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

Mr. SESSIONS. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Thank you very much, Mr. President. We are on the verge of a

possible government shutdown, which is extraordinarily regrettable.

Controlling the deficit and paying down the debt is a critical priority of this country and must be done. It is a difficult challenge, but not insurmountable. We have done it before. In the 1990s I was a Member of the House of Representatives under President Clinton. We were able to push through an economic program that did not focus exclusively and entirely, as the Republican proposal does, on domestic discretionary spending. It looked across the board at not only domestic spending but defense spending. It looked on the revenue side. It also looked at some of our entitlement programs. The result from the 1993–1994 action of the Democratic Congress was that by 2000, when President Bush was sworn in with a Republican Congress, there was a projected multitrillion-dollar surplus. We were looking at robust employment.

I think it is sometimes difficult to listen to some of my colleagues talk about the deficit and President Obama when recognizing, under their leadership, President Bush and a Republican Congress, a surplus was turned into a huge deficit. In fact, President Bush doubled the national debt in 8 years. It had taken almost more than 200 years to accumulate a debt he doubled.

So we are here and prepared to make those reasonable and responsible decisions that will lead us forward to a balanced budget and, hopefully, to what we accomplished under Democratic leadership and President Clinton in the 1990s—hopefully—even some surpluses going forward. But it can't be done in 2 weeks. We can't undo what has taken place since 2000 in 2 weeks or 2 months. It is going to take a concerted, collaborative effort.

One of the problems we have had, frankly, is that the goalpost has been continuously shifting in terms of Republican proposals. My recollection is that last year the Republicans on the Senate Appropriations Committee insisted on a cut of roughly $20 billion from the President's budget request for fiscal year 2011. Then, this year, the House Appropriations Committee, under Republican leadership, proposed initial cuts of $33 billion from the fiscal year 2010 level. Days later, the Republican leadership decided that was not enough, so then it became more than $60 billion, with cuts in everything from EPA water and sewer grants to the Low Income Home Energy Assistance Program to Head Start—programs that are critical to working families and communities. Also, these investments are critical at a time when our economy is just beginning to regain some of the economic traction it had before. We are seeing some encouraging employment numbers. We are seeing some increase in consumer demand. This Draconian approach to cuts could very seriously undermine the emerging—not yet complete—but emerging recovery.

In addition to the numbers that keep moving around, the proposal of the Republican House is studded with special interest riders—social policies, not fiscal policy. In fact, there is the impression sometimes that the deficit reduction claims are an excuse to try to advance not through the legislative process but through the appropriations process—through the threat of a shutdown—very conservative social policies. These policies should be debated. They should be voted upon. But to try to present them as nonnegotiable demands with the penalty for failure to heed to their demands the shutdown of the entire U.S. Government is, I think, inappropriate.

The President and Leader REID have been meeting with House Republican leadership continuously. There was a sense that a proposal of about $33 billion in cuts from the appropriate baseline could be accomplished, but then that seems to keep moving again. This is unlike 1995 when we saw the last shutdown of this government by a Republican Congress. Again, this is becoming almost ritualistic. A Republican House is elected, and then within months there is a shutdown of the government. The 1995 shutdown lasted about 26 days. It cost about $1.4 billion in essentially dead weight lost to the economy and to the government. We are on the verge of repeating that mistake.

Back in 1995, we weren't engaged in two conflicts with American service men and women engaged in Iraq and Afghanistan. We were not participating in a very volatile NATO operation involving Libya. We had yet to see the threat of international terrorism unleashed so dramatically on our shores as it was on 9/11. Again, if this government is shut down, there are thousands of civilians and civilian contractors who are part of our intelligence services that are at least in limbo as to whether they can continue to provide us the information and the insights we need to protect ourselves against a still existing and now clearly obvious threat. These are much more challenging times.

Indeed, for months now, in terms of a response to why the economy isn't growing, many of my colleagues have said, Well, it is the uncertainty of the Obama policies. That was the argument last year for the extension of the income tax cuts not only to middle-income Americans but to the wealthiest Americans. That uncertainty would breed a lack of investment, a lack of focus on job recovery. What could be more uncertain than shutting down the Government of the United States without any plan to bring it back and, indeed, without any clue as to what is the critical issue that must be addressed? At one point it is deficit; at another point it is social policy. That uncertainty I think could lead—I hope it does not—to a lack of confidence in our capacity to govern which will ripple through economic markets worldwide, and which also I think could challenge perception of the United States as a coherent world leader.

There are some things that would unfortunately result from such a shutdown. We know military Federal pay will be delayed. In fact, uniformed military will be required to come to work, as they do, so dedicated to the service of this Nation, but their pay will cease the moment we shut this government down. Literally, there will be soldiers on the ground—sailors, marines, airmen in Iraq and Afghanistan—fighting and they will not be paid and their families at home will not receive those benefits. The Federal Housing Administration will not be able to endorse any single-family mortgage loan. So if you are ready to close on your loan next week, you have the downpayment and you are ready to go, because the FHA will be out of business. SBA-guaranteed loans for business working capital, real estate investment or job creation—for those things that are trying to move the economy—stopped, dead in their tracks. So if you are a small business man or woman, you are ready to expand your company and hire more people, sorry, the SBA is closed until further notice. The IRS cannot process tax refunds for those who are filing paper returns and are depending upon their tax refunds, as so many working families do, to get through the next several months.

We didn't get here overnight. In 1993, Democrats saw these same problems: a deficit that was prolonged and gnawing at the economic fabric of this country. We took deliberate action. It took several years, but within those several years, by the end of President Clinton's administration we saw a surplus, a robust employment situation, and the future looked very good to working families.

In 2001, as I indicated, President Bush came into office with a surplus, but after tax cuts that were unpaid for, two costly wars that were unpaid for, and an unpaid-for extension of our entitlement program in terms of Part D Medicare—the largest, by the way, expansion of government entitlements in many decades—we are now looking at a huge deficit.

President Obama came into office at a time when unemployment was, in my State, reaching beyond 12, almost to 14 percent. He was, I think, required to take appropriate action. With the Recovery Act, we were able to begin to restore some of the jobs. We have seen over the last year growth in civilian jobs, the private sector workforce, that we didn't see under President Bush. In fact, recent reports suggest over 200,000 jobs. Those are the kinds of numbers that have to be sustained, not undercut, and you don't sustain them by shutting down the government and shutting down agencies such as SBA and the Federal Housing Administration.

We are and have to work diligently. I hear my colleagues talking about

reaching out, collaborating, and I hope that is the spirit we embraced in the last several hours. But we have heard many other statements coming, particularly from across the Capitol in the other Chamber, about how we have to shut this government down, how we have to go ahead and make a point, not make sound policy. That is not going to lead us to a better future for American families.

I believe we have to be responsible. We have to recognize the problems before us will take months, if not years, to fully resolve, because it took years, not days or weeks, to accumulate. We have to respond to the troops in the field, not only to order them into battle but to support their families at home.

We have to be responsible to families all across this country and give them a chance to use their talents to contribute to this country. I urge responsibility at this moment, not a shutdown of the U.S. Government.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I ask unanimous consent that of the 10 minutes allotted to this side, I be allowed to have 3 minutes and Senator MORAN 7 minutes.

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

Mr. SESSIONS. Mr. President, on the question of funding the Defense Department, it is a very serious matter. We need to handle that correctly. I will just recall for my colleagues that the House has sent legislation to us that would fund the government for an additional week, with a reduction in spending of $12 billion, but that would fund the Defense Department for the rest of the fiscal year and take that matter off the table, guaranteeing there would be no disruption of the Defense Department.

We should do that. We should have already done that. Senator MCCONNELL, our leader on the Republican side, has said he will not support any more CRs unless we do fund the Defense Department. I have to suggest, however, that it appears to me our colleagues are using the Defense Department as a hostage and as leverage to the threat of shutting down, or partially shutting down, the Defense Department; the threat of that is used to sort of say that we are not going to cut spending anymore. So that is a fight we are in.

We have heard the discussion about riders, but the new CR the House sent to us today doesn't have those riders on it, and it is not a problem in that regard. I do think it is irresponsible for the President of the United States—the Commander in Chief—to threaten to shut down the government.

The Republican House has sent a bill over that funds the government and funds the Department. The threat to shut down the government is coming from the Democratic side. I don't think the people are going to be fooled. I do believe the American people's voices will be heard. The amount of reduction in spending makes a difference in how much is saved over a decade.

Nobel Prize laureate Gary Becker; a superb economist, John Taylor; and former Secretary of State, George Schultz did a Wall Street Journal article recently, noting that under our spending—spending now is 24 percent of GDP—if the House bill that cuts spending by $61 billion were passed, we would be spending 20.0 percent of GDP—a one-tenth of 1 percent reduction in spending from another calculation.

I yield to my colleague from Kansas. I am delighted to have him in the Senate.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. MORAN. I thank the Senator for yielding.

Mr. President, I come here tonight one more time. I am a very short term Member of the Senate—only about 3 months. Every time I have spoken on the Senate floor, I have talked about the importance of reining in spending. With the crippling nature of our national debt and the belief that if we don't resolve these issues, the future of our country is at stake, it is really one of the primary motivations I have for serving in this Congress: to see that we turn this country around for the benefit of our children and grandchildren.

I think Kansans would say it is time for all Members of Congress to come together and fund the government. A shutdown demonstrates once again how we lack the ability or the desire to just use some common sense and reach a common goal. A primary function of Congress is to see that we appropriate the necessary funds to provide for government.

Today, it seems to me we have come to the point at which this issue needs to be rapidly resolved. We are down to just a few billion dollars—and certainly a billion dollars is a lot of money to Kansans and to me, but we need to resolve this issue so we can move on to the more dramatic and important issue we face as Members of the Senate, as American citizens—that being next year's budget and the future of additional spending down the road.

Tonight, in addition to saying let's resolve this issue, let's continue to fund the government, let's not pursue the strategy of a shutdown, I am here to express my genuine concern about the tactics that seem to be ongoing today, in which we, as the Senator from Alabama suggests, are holding hostage our service men and women and their pay.

We have had a lot of discussion in Washington, DC, about who is an essential government employee. I will tell you there could be no questioning the fact that our service men and women are essential government employees, and they will be working regardless of the consequences, regardless of the decision made here about the so-called shutdown.

From my view, it makes absolutely no sense—in fact, it is immoral—to ask our service men and women to serve in harm's way and have to worry about the paycheck that feeds their families—and, in fact, most of them live month to month, live paycheck to paycheck. The idea that while they are serving and sacrificing away from family, they would have the additional concern about whether the paycheck is going to arrive and be deposited in their accounts seems to me to be something beyond the pale, something we could never expect from a Congress of the United States of America.

So I am here one more time to say, yes, absolutely; let's get spending under control. The idea that we cannot go back to 2008 spending levels plus inflation—we can do that. Nobody should believe that we cannot accomplish that goal, and nobody should be using the service men and women's paychecks and their service to our country as a hostage or the idea of whether this government is shut down. Resolve this issue now and make certain we resolve it in a way that no member of our Armed Services, or their families, is harmed by the decisions we make.

This is an important decision. It is about the future of our country. The immediate concern is whether our service men and women understand that we value their service and that we will take every step to make certain they are not harmed by political inaction—the inability of us in Washington, DC, to resolve the issue of the continuing resolution.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have a meeting at the White House. There will be no more votes tonight. We hope that we are able to have some good fortune at the White House. We are going through these issues.

As I indicated outside the door, I am not as confident as I was. The last 24 hours have not been kind to the American people. This is not a debate between Democrats and Republicans, it is a debate between Republicans and Republicans. They cannot determine how many social issues they want. The funding is pretty well taken care of, but that is not where we are.

We are here trying to fund the government at the end of the fiscal year based not on money but on social issues, some of which have been in this country for 40 years. We have not settled the issues in 40 years; we will not do it in a few hours. I am not optimistic. I hope things are better when I get to the White House and we can work it out.

What is going on is really too bad for the American people.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, I rise to share my deep concern that we are careening toward a shutdown of the government. Just a little more than 24

hours from now—tomorrow night—our government will shut down if this Chamber and the House Chamber cannot come together and put a simple continuing resolution on the President's desk.

There is a lot that we should be proud of. One is to be a nation that has been a light for the world, presenting the ideals of democracy in action and advocating for and defending human rights. We should be deeply pleased that we have fought for fair working conditions and economic opportunity for Americans across this great land. We should be proud of the tradition of public education that gives children an opportunity to fulfill their full potential. We should be deeply pleased of our history, advocating for freedom of speech, freedom of association, and freedom of liberty. All of these things are part of a legacy for our Nation, a part of what this Chamber has been about.

But we should not be pleased and we should not expect that this Chamber is now engaged not in those great and lofty ideals but in a very small argument over an extension of the budget for 6 months, and that we are so dysfunctional that we are risking shutting the American Government down for one of the few times in its history. That is not the model we wish to show to the world.

I am deeply frustrated by what has transpired since 2000. The first 11 years of this century—indeed, the first 11 years of this millenium—have not been kind ones for the United States of America. In 2000 we were running huge surpluses. I was back in Oregon as part of the legislature and very excited by the fact that we were paying down our national debt.

Economists were starting to debate whether we should pay it down in 3 years or 5 years; do we need to keep a substantial debt for some strange economic reason or should we pay the whole thing off. I was thinking, isn't that a great debate to have, because we are going to hand a debt-free nation to our children.

Mr. President, I think we all share the thought that there will be discussions tonight and we will not shut the government down. That is what this debate is about right now.

It goes back to the point that in 2000 we had a new President come in who decided that paying off the debt wasn't that important. No, President Bush said we should have bonus breaks, big giveaways to the wealthiest Americans, and he did so without paying for them in any other manner. Then we had a war launched in Afghanistan.

Instead of the President coming forward and saying we must sacrifice and pay for this war, it is important to our national security, he came forward and said: American citizens, please keep spending a lot of money in retail stores. That is the way you can participate in this. So the debt was greatly increased to pay for that war.

Then we had the President launch a war in Iraq—the same President, President Bush—and he proceeded to give away the Treasury to the wealthiest Americans. He decided not to pay for the war in Afghanistan. President Bush decided to launch a war in Iraq, on completely false premises, and to do so without paying for it.

Then we had Medicare Part D, which happened in that same 8-year period—a huge expansion of a government program that has and will indeed help many Americans, but it was not paid for.

Those four decisions doubled the debt from $5 trillion to $10 trillion, but doubling it was not enough. Indeed, the Bush administration did something else; they created a house of cards out of the most important financial document for every American family, the home mortgage. By deregulating retail mortgages, they allowed liar loans, undocumented loans. They allowed teaser rates, 2-year really low rates that mortgage agents used to talk people into subprime loans when they qualified for prime loans—steering loans that were regarded as such for steering families from prime loans into subprime loans.

Then they took all of those faulty subprime mortgages and packaged them into securities and allowed a new, unregulated form of insurance to back up those securities. Those were called swaps or derivatives. A $50 trillion unregulated industry came upon the American scene, and those securities ended up in every financial institution around this Nation. This great house of cards, which corrupted the fundamental value of primary wealth for most Americans, and the humble fully amortizing prime mortgage—subprime mortgage—was turned into an instrument of mass financial destruction.

That financial destruction that was brought down on our house in 2008 and 2009 added another $4 trillion to the debt. We went from $5 trillion to $14 trillion. That process continued this last December with a compromise that added another $500 billion to the debt, a compromise I could not support because it added $500 billion additional to the debt.

I had a lot of hope in January, 3 months ago, that we had a new group come in and we had a new Congress, the 112th Congress, and we were going to proceed to create jobs and do so by ending some of those frivolous giveaways, those massive oil and gas giveaways that line the bottom line of some of the deepest pockets in our Nation, those rules that prevent us from negotiating drug prices which results in our seniors on Medicare paying higher prices for drugs than seniors anywhere in the world, even though those drugs were invented right here, a potential savings of $6 billion per year; those bonus breaks for billionaires, on top of $100,000 per taxpayer, up to a million more for many taxpayers. Taking those bonus breaks away is a savings of $50 billion a year; ending duplicative Pentagon programs identified by the Secretary of Defense, a savings of $75 billion—all of these opportunities, and so many more, to bring our financial house into order.

But those hopes were soon dashed because the new team in the other House of the Congress did not decide to fight for jobs, did not decide to fight to get rid of frivolous programs. Instead they decided to lay out a plan that attacks the very communities that have been most hurt by the previous disasters because that meltdown, that mortgage meltdown that haunted us in 2008 and 2009, destroyed the wealth of basic Americans of their homes, homes lost enormous value, it proceeded to destroy jobs that those families counted on, huge job losses, it proceeded to wipe out their retirement savings. No wonder so many families today do not have confidence that their lives, the lives of their children will be better than their lives. For so many families—in fact, their current life is not better than their parents' life was because of these kinds of devastating decisions.

The new arrivals said: No, we are going to increase the harm. We are going to attack the community development grants that build community organizations. We are going to attack the heating programs that keep people from freezing. We are going to diminish the food programs that keep people from starving. We are going to attack women's health programs, programs that have nothing to do, by the way, with abortion, but preventive programs, screenings, Pap screenings, breast exams. We are going to wipe those out because of misguided ideological opinions. And now we find a bill that says we are going to dismantle Medicare. We find an attack on housing for veterans. These are not the things that will bring jobs to America. These are not the things that will rebuild America.

On top of all of these attacks on specific programs, my colleagues in the House decided to create a whole long list of ideological riders to add to the budget debate. I have a copy, 4 pages, of policy riders to H.R. 1. It goes on and on, everything one can imagine, from Job Corps centers to training for our unemployed Americans. It is a huge list. It defunds the Consumer Financial Protection Bureau that will guard against the corruption of mortgages I was discussing earlier. It attacks the EPA's ability to enforce the Clean Air Act. And so on. It is an unbelievable list all Americans should see to see what the true agenda is on the other side of Capitol Hill.

Now is the time to set aside these games, these ideological riders. Now is the time to set aside these attacks on the core programs that strengthen our communities. We are past the time to have the ability to do a simple 6-month extension of our programs in the United States of America so we can go

on to debate fiscal year 2012. But not everybody is ready for that serious debate.

We have been hearing a lot of chanting at rallies that they do want to shut down the government over these ideological riders. Indeed, on April 5, the Washington Post reported Republicans gave the Speaker—that is on the House side—an ovation when he informed them to begin preparations for a possible shutdown. They want the shutdown because they want this ideological fight.

After proceeding through devastating mistake after devastating mistake that increased our debt $5 trillion in 2000—remember, it was heading down toward zero—to nearly $15 trillion, we still cannot have a serious discussion. We have folks who want to shut down this government over these ideological riders.

We must return to understanding our role in the Senate and in the House in terms of the broad and challenging and important issues facing America—the issue of providing fundamental services, the issue of creating jobs, and the lofty goals of advancing democracy and human rights and civil rights around this planet.

Now is the time to set aside those shallow ideological games, focus on rebuilding our economy, and putting America back on track.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I rise first to salute my colleague from Oregon for his eloquent words and his passion. I know he has dedicated his life to making the lives of people better. That is why he feels strongly about how badly a government shutdown would affect average folks.

I agree with him. Simply put, there is no reason for a government shutdown—absolutely no reason at all. A genuine bipartisan compromise with significant and responsible cuts in government spending is in hand, but it is being vetoed by an extreme minority of the Republican Party. The tail is wagging the dog. The most extreme, the people least likely to compromise, the people, in general, with less experience in government and at least from their statements little respect for views not their own are dominating the House of Representatives.

Speaker BOEHNER is somebody for whom we all have a great deal of affection and sympathy. But the hour is nigh and leadership is called for. To allow this small group—relatively small group when we look at the expanse of our government—to dominate everything that is happening and hurt millions of innocent people is not leadership.

When the Speaker says there is no agreement on the numbers or the cuts, he means he is not ready to say so publicly. It is true I have not been inside the negotiating room, but I have heard all the details from my friend and colleague HARRY REID. I have heard the details from those who have been negotiating.

The bottom line is, the number and what composes that number of cuts is virtually agreed to. The only reason there is not a handshake is Speaker BOEHNER and his representatives do not want it to appear the numbers are signed off on, for two reasons, in my opinion. One, they are afraid what these hard-right colleagues would say, and two, then it would focus everything on their true casus belli, which is the riders.

This is no longer about spending. The hard right in the House of Representatives wants to make this about ideology, injecting last minute ideological add-ons, such as limiting preventive health for women. We have a fiscal crisis in this country, not a social crisis.

Let's not gloss over what is going on. Republicans do not care about reducing the deficit; otherwise, they would not have paraded out a budget this week that ends Medicare for our seniors but protects trillions in tax breaks for corporations and millionaires. Care about deficit reduction, yes, you would want to cut Medicare, but you would also want to make millionaires pay their fair share of taxes because every dollar from the millionaire goes just as much to reducing the deficit as a dollar from Medicare cuts. When you do one and not the other, you do not care about deficit reduction. You may care about shrinking the government. You may wish there is no government at all. That is a perspective of some. But you do not care about deficit reduction.

One of the things that has not been made apparent is cutting government programs to many on the other side of the aisle is not in sync with reducing the deficit, and those two are too often confused.

Why are we here? Why are we on the eve of a shutdown of government which will hurt millions? It is because this hard right in the House of Representatives—some of them members of the tea party, others allies of the tea party—want to satisfy the agenda of the extreme rightwing. And if they do not get everything they want, they have made their desire clear. We do not have to make this up.

Here is MIKE PENCE, one of the leading Republicans in the House of Representatives, one of the leaders of the tea party caucus. What does he say? ''Shut it down.'' That is what he wants. Either he thinks he is going to get his way by shutting it down—I grew up on the streets in Brooklyn and there were people who thought that just by bullying they could get their way. Shut it down if you do not do it all my way. Bullying does not work, and we will not be bullied. We will not hurt millions of people. We will not abandon our principles because the other side believes we will do whatever they want—falsely believes we will do whatever they want—because otherwise they will shut the government down.

We do not want to shut the government down. I have not heard a single Democrat say what MIKE PENCE has said. But I have heard lots of Republicans—I heard Sarah Palin talk about the shutdown being a good thing. I heard Newt Gingrich talk about a shutdown being a good thing. I heard some of Mr. PENCE's colleagues, probably a dozen or so in the House of Representatives, saying ''shut it down'' is a good thing.

Have you heard a single Democratic elected official say it? No. That alone should tell you who wants to shut the government down or who is willing to shut the government down and who is fighting strongly against it.

They want to shut the government down if they do not get their way. As I said, I have seen people do things like that growing up on the streets of Brooklyn. You know what you learn? If you keep giving in and giving in, they ask for more and more. The way to deal with someone who is attempting to bully you is to stand up to them. We have gone so far in their direction. President Obama said to Speaker BOEHNER, it is reported: You have gotten three-quarters of what you want. Why don't you declare victory and go home?

We know why Speaker BOEHNER cannot do that. It is very simple. Because then there would be a rebellion among a key part of his constituency—the hard right, many of them, but not all of them freshmen in the House of Representatives. Most of them have very little experience in government. I daresay most of them do not know the consequences of a government shutdown or the kinds of cuts they are suggesting. But they come in with an ideological narrowness.

When either party lets the extremes dominate, they lose. When Republicans let the hard right dominate, they lose. Frankly, we learned our lesson as Democrats. When we let the hard left dominate, we will lose too because most Americans are somewhere in the middle.

This idea of shutting the government down or of applauding, a standing ovation when the Speaker informs them to begin preparing to shut the government down, I guarantee you it will backfire on the perpetrators, just as it did on Newt Gingrich in 1995. But that is political consolation, small consolation for the damage that will be done to individual people who will lose jobs, to the economy. Just one fact: FHA will not be able to issue any guarantees on new mortgages. FHA issues 80 percent—guarantees 80 percent—of our mortgages, including mortgages for the middle class, the bulk of mortgages. Middle-class people will not be able to take out mortgages. What does that do to our economy and the housing sector?

The Internal Revenue Service will not be able to mail out a good percentage of refunds. What does that do to the economy, when the money is stuck in Washington instead of going back to people who rightfully own it and who

will spend it in the stores and shops and on vacation?

There are other irresponsibilities. We have American troops fighting abroad. We want to make sure they are fully funded. A government shutdown will not do that. Colleagues on the other side are coming up with an unbalanced, short-term extension that funds the troops. Well, I say to my colleagues, if you want to fund the troops—not for 1 week—don't shut the government down. That is the best way to support our troops.

It is time for Republicans to be responsible. It is time for the majority of Republicans—whom I don't agree with on so many issues, but whom I know are mainstream and don't like this government shutdown—to stand up to those on the hard right, to accept the compromise we are so close to working out and drop the ideological riders so we can move forward.

We are at a crucial time in this country. We have had a rough few years. We are beginning slowly to climb our way out of it. This is risky. A government shutdown is risky. The shame of it all is that it is so easily avoided. All we need, again, is a little bit of strength and courage from the Speaker to tell the hard right in his party, yes, he will try to accommodate some of their needs, but he will not shut the government down; tell them, yes, we do have to cut government spending. And we Democrats—the vast majority of us—agree with that. We don't believe in cutting things such as cancer research or loans that go to students who are going to college, but there is a lot of waste in the government, there is a lot of excess, and we can wring that out without hurting people and reduce our deficit. We agree.

The proposals we have made, including $73 billion below the President's proposal for this year, show we have put our money where our mouth is. But every time we come close to an agreement, Speaker BOEHNER—not on his own, in my judgment, but pulled by the tea party—pulls the goalposts back. He pulls them back on the numbers. Although we have gone so far, it is hard for him to do that any longer. But he also does it with these ideological riders.

We are at a sad moment. We are at a time when the continuation of this government—with the hard-working people who compose it—is right on the edge of closing, with untold damage to innocent people. I would ask my colleagues on the other side of the aisle, and in the other body—I would plead with them—let's stop the political games, let's stop the ideological posturing, let's stop thinking it has to be only my way and no one else's. Let's come meet in the middle with a reasonable agreement, keep the government going and move forward to do the things the American people have asked us to do.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BENNET. Mr. President, I came to the floor the other night to talk about what I had learned in 2 years of townhall meetings in Colorado regarding our deficit and regarding our debt. What I said the other night was that people in our State, whether in red parts of the State or blue parts of the State, have a commonsense way of approaching this, and they have a three-part test they want to apply.

The first test is they want to make sure we actually come up with something that materially addresses the problem we face. They are tired of gimmicks. They are tired of tricks. They want us to sort this out. They know it will not be fixed overnight, but they want us to get started on it.

The second test is that we are all in it together. They are tired of the us-against-them conversation that happens in Washington. They are tired of hearing that one person's ox is going to be gored or one group of people's ox is going to be gored and everyone else will be left alone. Everybody wants to contribute to solving this problem.

The third test is they want it to be bipartisan. Because, frankly, they do not have confidence in either party on this issue and they want to see us working together.

That is it. We should be working toward that as a Senate and as a House. We should be having a serious conversation about how not to leave our children stuck with a bill of $15 trillion in debt and a $1.5 trillion deficit. I feel that keenly, as the father of three little girls myself.

But I think it is very important for the American people to understand the debate we are having right now. The threat that we are going to shut the government down has nothing to do with the broader conversation about our deficit and our debt. In fact, shutting the government down is going to make matters worse.

I said the other night that there is not a superintendent of schools—I used to be one in Colorado—there is not a city council or a mayor in Colorado, from the largest city to the smallest town, who would dream—who would dream—of saying to their constituents: We can't work this out, so we are going to close the government next week. We can't work this out, so we are not going to plow your snow next week or pick up your trash next week or educate your kids next week, not one local official in our State. The Presiding Officer knows this. He was a mayor. He would never have gone to his constituents and said: Oh, by the way, we are closing next week because we have a disagreement.

It makes no sense. Nowhere on the planet would that make any sense. To say nothing of the fact we find ourselves at a moment in the country's history when we are engaged in wars all across the globe, when we are now involved in a multilateral effort in Libya, when we have thousands of people—government employees—trying to help the Japanese weather this unbelievable tragedy they are facing, when we have economic competitors all over the globe trying to seek an economic advantage against the United States in the 21st century. Yet we are saying: Well, we are going to take a time out because we can't agree. We are going to pause, take a rest, close the government. The American people must think, well, you guys must be very far apart. That is why I brought this chart. I don't know the exact details here. Nobody does. The reports on the news tonight were that several billion dollars separated the negotiators. I have heard it ranges from $5 billion to $10 billion, or somewhere in there, so I picked the number $7 billion, which is more than several. But that appears to be what divides the parties—$7 billion. Seven billion dollars.

That is a lot of money. It is a lot of money. But look at it in the context of our deficit and our operating budget. Here is this line. You can't even see it. This line is the $7 billion, right here. This is our deficit, and this is our operating budget—$1.5 trillion, $3.6 trillion.

I apologize, Mr. President, but I couldn't fit it on one chart so I had to have two made in order to show what the order of magnitude of difference is between what we are squabbling over here in Washington, and what our deficit looks like and what our operating budget looks like. That is it. That is it. That is it.

Do you know, this difference, if this were the city of Alamosa—and the former mayor is the Presiding Officer—and my State—which has roughly a $14 million operating budget in the San Luis Valley—if they were saying we were going to shut down our government based on this difference, that would be like Alamosa saying, we can't figure it out because $27,000 is what we are apart.

Mr. President, if you and I went to Applebee's tonight and we had their $20 dinner for two, and then we had a fight over the bill, we would be fighting over 4 cents. That is what would separate us—roughly .19 percent of our operating budget.

I could even understand if the parties were saying we disagree, we disagree, let's keep negotiating. But I can't for the life of me understand how on those terms anyone could threaten a government shutdown, especially when we confront the dangers we confront today.

And so the answer is, it is not about our budget. The time we have consumed here is taking time away from the conversations that the Presiding Officer and I have been part of, that

people on the other side of the aisle have been part of, that the gang of six, a bipartisan group of Senators—three Democrats and three Republicans led by MARK WARNER and SAXBY CHAMBLISS—have been working on. That is what we should be doing. We shouldn't be threatening to close the government. I don't think we should be threatening to close the government under any circumstances, but certainly not when the economics are as thin as that.

I know there are people—and it is not all Republicans—there are some people in the House who feel the social issues they have attached to this piece of budget legislation are somehow more important than keeping government open or that litigating those issues in the context of trying to keep the government open is the right thing to do. I disagree. I think they should have a hearing. I think we ought to have a floor discussion about what we want to do with women's reproductive health or the other issues that are there. I am glad to have that debate. But don't threaten to shut the government down based on that.

So I will say again, as I said the other night, I encourage the leaders of both parties in both Chambers, and our President, to find a way to settle this, to find a way to work it out, to find a way to keep this government open at this moment when we have troops deployed all over the globe, and to live up to the standard of every single local elected official in my State, whether they are Democrats or whether they are Republicans, who are making tough choices in this budget situation but managing to respond to their constituents' priorities.

This week, in Colorado, they reached a budget agreement. The Governor is a Democrat, the Senate is a majority Democratic, the House is Republican. The Speaker of the House, who is a Republican, said this is the first budget I have been able to vote for in years because of the leadership of John Hickenlooper, our Governor, and the leadership of the Democratic and Republican Party there. That breeds confidence in people's work. I think if we can find a way to work together across the party lines in a bipartisan way and demonstrate that we can keep the government open, and much more important even than that, that we can create a path toward fiscal sanity in this country, I think the American people would cheer. Right now we have not given them very much to cheer about.

I see the Senator from Texas is here, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, we have been talking for a long time today about this fiscal crisis. I don't think anyone is looking at the looming deadline tomorrow night as something that we want, to have government shut down. I hope so much that the President and Speaker BOEHNER and the Democratic leader of the Senate, Mr. REID, can come to terms because we are so close to having an agreement on a continuing resolution until the end of this fiscal year—which is what we need. If anyone would run a business the way this government is being run, in 2-week continuing resolutions and 1-week and 3-week—it is not a way to run anything. It is not organized and you cannot plan. Certainly, we know taxpayer dollars are not being the most efficiently spent if we are going in 1- and 2-week increments.

The stakes are very high. I look back at the year 2000, and we had balanced budgets. We had a balanced budget in the year 2000. We had a balanced budget up until 9/11. That was only 10 years ago, and we ought to be able, as the U.S. Congress, working with the President, to say if we had a balanced budget 10 years ago, we cannot possibly be so far over the line that we cannot bring it back into balance. But to bring it back into balance we are going to have to look long term. We cannot do it on $30 billion of difference from now to the end of the fiscal year's spending. The fiscal year ends October 1. We cannot do it. We have to have a 10-year plan; we have to have clear cuts in spending; and we have to start working toward a balanced budget in a responsible way.

I cannot say I agree with everything in it, but the House Budget Committee chairman, one of the Republicans in the House, has proposed a budget that would do exactly that. It would get us to nearly a balanced budget. Now we need to start talking about the plans he has put forward. The President has not been; Congressman RYAN has. We are going to change some of it, I hope. We should have the same goal; that is, to get to a balanced budget over a period of time, 5 to 10 years. But we certainly are not going to do it in the next 24 hours, talking about $30 billion or $36 billion going for the next 6 months.

I hope we will settle this issue so we can go to the long-term issues. The long-term issue is going to come up in about 1½ months when we are going to be called on to raise the debt ceiling. The debt is $14 trillion. We are looking at a deficit this year alone of $1.6 trillion. If we go with the budget the President submitted, $3.7 trillion more, over $14 trillion? No wonder the people of this country are up in arms. We need to listen to the people of this country who say stop doing business in Washington the way it has always been done. Stop it now and start cutting back on the appetite for spending so we will be able to have the balanced budget that we can see in our future.

What we are looking at now is the potential of a government shutdown. I hope it does not come to that, but there is one thing we ought to be able to do in this Congress, and that is at least protect our military who is serving in Afghanistan and Iraq and their families who are back home worried enough about them because of where they are and who most certainly should not have another burden put on them of not knowing if their paycheck is going to come at the normal time of the month—the 1st and the 15th.

I have introduced S. 724. I ask unanimous consent to add Senator SESSIONS as a cosponsor.

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

Mrs. HUTCHISON. I will say that makes our 46th cosponsor of S. 724. It is a very simple bill. It just says if there is a government shutdown, the military will be paid. The Secretary of Defense will have the discretion to also pay the civilians and those who are serving our military so the food service in Afghanistan and Iraq will not be stopped because we have a government shutdown and the paychecks are not going to come.

I want to alleviate any fear on the part of any member of our military or one whose family is watching the debate on the House and the Senate floor, watching this play out and thinking: Am I going to be able to pay the mortgage on time? I want to alleviate that fear right now.

I hope we will be able to pass this bill that is gaining sponsors about every 15 minutes, as people start looking at the looming shutdown of government that will happen a little later than this tomorrow night if we do not have an agreement. I think all of us should put our military in the front of the line and say: They are going to show up for work. Let's assure them their pay will not be delayed. That is not the message they are getting right now, but I think we can assure they will get it.

I have a letter we just received from the National Association of Uniformed Services, which says:

> On behalf of the more than 180,000 members and supporters of the National Association for Uniformed Services, I offer our full support for your legislation, S. 724, the Ensuring Pay for Our Military Act of 2011.

I ask unanimous consent to have this letter printed in the RECORD.

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

NATIONAL ASSOCIATION FOR UNIFORMED SERVICES,
Springfield, VA, April 7, 2011.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUTCHISON: On behalf of the more than 180,000 members and supporters of the National Association for Uniformed Services (NAUS), I would like to offer our full support for your legislation S. 724, the Ensuring Pay for Our Military Act of 2011, a bill to assure that, in the event of a federal government shutdown, our nation's men and women in uniform would continue to receive their military pay and allowances.

The Ensuring Pay for Our Military Act would make available the necessary funds to prevent an interruption in pay for members of the military if there is a funding gap resulting from a government shutdown. The bill also includes a provision to authorize the Secretary of Defense to allow those who serve as DOD civilians or contractors in support of our men and women in uniform to continue to be paid as well.

The National Association for Uniformed Services thanks you for introducing legislation that demonstrates our nation's appreciation for those who serve in our Armed Forces. We look forward to working with you and your staff and deeply appreciate your continued support of the American soldier and their families.

Sincerely,

RICHARD A. JONES,
Legislative Director.

Mrs. HUTCHISON. Mr. President, I hope we come to agreement and do not shut down the government. We are so close to getting this temporary fiscal year—which we are already halfway through—finished, and let's take this off the books. What we ought to be doing right now is focusing on the 2012 budget that starts October 1, where we are having our hearings, and we are asking our questions, and we are trying to set our priorities with a lower scale of government. We are going to cut back way below what we spent last year and the year before, but we are going to prioritize our spending.

We had FBI Director Mueller testify before our Commerce-Justice Subcommittee of Appropriations to talk about the law enforcement needs of our FBI. I want to spend my time talking about the needs of the FBI and the other necessary functions of government; certainly, our armed services bill. I do not want to be talking about shutting down government in the middle of the fiscal year because we are not coming together on $6 billion or $3 billion—I don't know exactly where they are now, but it is not very much in the scheme of things. What we need to do is get this behind us, alleviate the fears of our military personnel, alleviate the fears of their families that they might have a hiatus in their paychecks.

We need to start thinking about the big picture, the big picture of what we must focus on, which is cutting spending so we can go toward a balanced budget and agree on a 5- to 10-year trajectory that will put us back in a fiscally responsible position for our country to have the credibility in the world we should have, for our children to be free of the debt for what we have used in government in this country. We don't need to pass that debt to our children if we are responsible stewards of both their lives and our taxpayer dollars.

We need to be the leaders that people expect us to be. The people spoke in very loud terms last November, that they do not want more spending. I hear it everywhere I go. I hear it in the airports, on the streets, when I am talking to people in informal meetings, the grocery store—people are scared to death of a $14 trillion debt. It has never been so high in our country before.

I don't want that to be the legacy of this Congress and our generation. That is not the legacy we should have as leaders of the greatest country in the free world.

I implore the leaders of Congress and the President to get the continuing resolution behind us so we can focus on the big picture; that is, the $14 trillion debt that we are facing right now and doing the responsible cutting that will begin to cut back on the deficits, take down the debt, and address the issues that have not been addressed for all these years, once and for all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I commend the Senator from Texas on her bill of which I am very proud to be a cosponsor, to make sure our men and women in harm's way continue to receive their compensation and support for their families if, in fact, there is a government shutdown. I am certainly going to continue to do everything I can to keep that from happening. I am unwilling to give up, and I know others are as well.

I commend the Senator, but I think this is very important. We need to send that message. We need to get this done and get the bill done.

Mrs. HUTCHISON. I say to the Senator from Michigan, she was one of the first to sign on as a cosponsor of this bill. I think that is the right thing to do. I appreciate her leadership.

I just got a note from my staff, and I also ask unanimous consent to add Senator SCOTT BROWN and Senator AMY KLOBUCHAR as cosponsors of S. 724.

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

Mrs. HUTCHISON. I thank the Senator from Michigan. I think we can do this together if we will come together and focus on those great young men and women in Afghanistan and Iraq serving right now and do something that is right for them regardless of whether we have to face a government shutdown for all the rest of us.

Ms. STABENOW. Mr. President, I could not agree more that we need to do this. I think it is important that the Senate take the lead as we did on another piece of legislation that our friend from California brought forward, and which was passed unanimously by the Senate, to set down a very important principle; that is, if we, those making decisions, cannot come together, then it should be Members of Congress not getting a paycheck. Our troops should be getting paid, but Members of Congress should see their paychecks stopped.

Unfortunately, under law right now Members of Congress would be the only ones whose paychecks don't stop. That is something we have passed in the Senate, to change that. Frankly, I found that to be pretty embarrassing. Then it became outrageous when we found out that the troops' paychecks might stop.

So it is important we send two messages: people who are responsible for making this decision take responsibility and their paychecks stop if it doesn't get done, but also we have to make sure the men and women in harm's way continue to have our support verbally and that we show it in our priorities as well.

I hope we are not going to see this happen. There is no reason for this to happen. We are talking about a shutdown that would not only affect many people around this country—families, small businesses—it would affect also the markets, our international standing. This is a very serious issue. People of good will can solve this.

We all know we have to be smart. We have to change the way Washington operates and cut the things that are not working and invest in the things that do. There is no question about that. We have to do that. In fact, we have agreed to major changes in that direction, but it is a challenge.

I just wanted to take a second because I think the toughest job in town today is the Speaker's. It is very clear that he has a very difficult job when people are giving a standing ovation for him when he is talking about preparing for a shutdown. We do not need this. That is not what we need.

What we need is to continue to have people of good will coming together, as we have just been talking about, in support of our troops and saying: We can complete this year's budget. We are halfway through the year. Let's just get it done.

What happens if it does not get done? It is not about us. It is not about us. We will be all right. It is not about us. It is about the people who are affected. We know, but let's just go through what happened back in 1995.

In 1995, there were 400,000 veterans who saw their disability benefits and pensions claims delayed—our veterans.

Again, we are talking about our troops. But in the last shutdown, 400,000 veterans had delays in their disability benefits and pensions. That ought to be a motivator for all of us to get this done. It would be outrageous if that were to happen again. There was approximately $3 billion in U.S. exports that were delayed because they could not get the export licenses. That is jobs for us.

As we look at a time when we want to export our products, not our jobs, around the world, delaying that affects our jobs. We know hundreds of thousands of Medicare and Social Security requests were delayed the last time this happened.

For the first time in history, six States ran out of Federal unemployment insurance at the time, and small business loans, we know, could be stopped or delayed, as well as tax refunds for people who have been waiting for hard-earned dollars, stretching every penny to make ends meet.

So it makes no sense. It makes no sense to the economy, it makes no sense for families, for seniors, for veterans. We need to come together and get this done. We also need to make sure that whatever is done and what we have been fighting for, the majority has been fighting for, is that we not

one more time ask middle-class families and small businesses to be the ones who have to sacrifice.

In my State, our families, middle-class families, people trying desperately to stay in the middle class or to get in the middle class have been the ones hurt over and over—their jobs, losing their jobs or losing their incomes, with their houses underwater, trying to make ends meet, not sure right now if they are going to be able to have the kids continue to go to college. With gas prices going up like crazy, are they going to be able to even just get back and forth to work? Those are not the folks who should be, one more time, sacrificing, carrying the load. The same with people sending their children, grandchildren to war. Our middle-class families should not be the ones continuing to be the only ones sacrificing in order to deal with what is a national debt and the need to balance the budget and change the way we fund Washington, reduce spending, change the priorities.

What I am concerned about is that middle-class families and small businesses not continue to be the ones who get the brunt over and over. I think about this struggle the last couple of years in Michigan and what we have had to go through with our automobile industry and how proud I am of where we are now, but also the sacrifice that it took to get there.

We are making the best automobiles. We are winning all the awards. Our people are smart and skilled. We have the best engineers and the best skilled workforce, but a couple of years ago we had a horrible crisis. It took sacrifice from everybody to turn that around and some smart thinking.

Workers had to sacrifice—beginning pay cut in half; retirees, the company, shareholders, communities—everybody had to sacrifice in order to turn this around. But we did something else. We then said: While you are cutting back, we are going to invest in the future. We are going to invest in innovation. We are going to invest in those things that are going to allow us to grow and create more jobs and be successful.

After 2 years of a tremendous amount of hard work and everybody sacrificing, with some smart decisions and investments, we are turning it around, making a profit for the first time—each of our companies—since 1999. We are turning things around because people were willing to be in it together. That is what I am fighting for, because we know we have to change the way we do business and we have to cut the things that do not work and invest in the things that do. But everybody has to be in on this—everybody—not just some people who are being asked to give over and over, not just small businesses that did not cause what happened on Wall Street but cannot get the loans because of what happened with the crisis, holding on, trying to make it, trying to get the capital they need to keep the doors open or to expand. They did not cause this, and yet we seem to find the same people over and over having to make the sacrifices. That does not make sense. I do not think it is American.

So what we are seeing now as we close in on the final decisions, people coming together, is a question of whether we are going to have everybody be a part of the solution or one more time asking the middle class and small businesses. We can come together and get this done if people want to do that. There is no question about it, that people of good will can get it done. I think that it is in everybody's best interests to do that on every single level.

But there is no question as well that we have very different priorities that are being debated today in our country. We saw that this last week in very stark terms, which goes to the whole question of, again, how do we solve our problems and is everybody in? Is every American going to be part of turning the ship around? That goes to the budget proposal this week that has added, in my opinion, insult to injury, which relates to the proposal coming from the House Budget chair to change Medicare as we know it; to change Medicare from an insurance plan for our retirees and people with disabilities to something that would be a voucher for insurance companies.

It is stunning to me, actually, in looking at this proposal, and extremely concerning to me, the ramifications of what is being proposed. Then what adds insult to injury is that the proposal is being made to unravel Medicare, do away with Medicare as we know it, raise the costs, the premiums, and the medical costs for almost every senior in the country—according to the Congressional Budget Office.

At the same time this same budget document would give over $1.8 trillion in new tax cuts for special interests and the millionaires of the country—not the folks who have been working hard to try to make it, who have not gotten the big breaks, but one more round of big breaks for the people who have not felt this recession, the people who have gotten the special breaks, who somehow have not had to go through their house underwater, their income go down, worry about the kids, worry about the car, worry about the gas. The folks who earn over $1 million got the special tax breaks—those interests that are doing extremely well in this country.

That is not how I view shared sacrifice in order to be able to solve the country's problems and get us out of debt and grow the economy, cutting Medicare for seniors, dismantling it, at the same time giving one more round of tax breaks for millionaires and the major special interests of the country.

That is wrong in my judgment. It is the wrong set of priorities, and it is worth debating, and we will debate that. It is interesting; I remember when we were passing health care reform, and we were focused on the fact that we had to make sure Medicare was healthy for the future and make some tough decisions so that it would be strong and there for seniors.

We took a look at overpayments for for-profit insurance companies. There are major overpayments, and we decided to cut those back. It was actually causing the majority of beneficiaries, the majority of seniors, to see their premiums go up because of some overpayments to a few. We decided that we would cut back on those insurance company overpayments, and we would instead focus on quality in Medicare, making sure seniors could go to the doctor and get their cancer screenings, their wellness visits without out-of-pocket costs and bring down the cost of medicine; that we would focus on ways to streamline, focus on quality and streamlining the way that we cut costs.

According to the budget gurus, we were able to save, I believe, over 10 years, $500 billion. It did not cut any benefits for seniors, but the other side of the aisle said this was terrible. It was terrible because we were focused on cutting overpayments to insurance companies.

Now we see this proposal that would dismantle Medicare, and it would cut what is the average amount a senior spends on medical care in a year, which is about $15,000 a year. It would, instead, cut that amount down to $6,000 a year and give it in a voucher to an insurance company. That is OK. That is a different set of priorities than I have and I know that you have, Mr. President.

So these are debates we are going to have, and they are important debates for our country. How do we go forward? How do we solve the budget deficit? How do we grow the economy? How do we create jobs? How do we make sure what we are doing is fair for everybody and keeps what works while cutting what does not?

Medicare is a great American success story. Do we need to make sure it is there for the next generation? Absolutely. Do we need to look at ways to streamline and cut costs? We have done that, and we need to continue to do that. Absolutely. We need to do that. But it is a great American success story. It has allowed a whole generation of older Americans to live healthy lives, play with their grandkids.

Now that I have two beautiful grandchildren who, by the way, are the most beautiful grandchildren in the world, just for the record—but now as I have my 3-year-old and 1-year-old and I look at the fact that I want to be healthy for a long time so I can be there for them, and what a wonderful gift as Americans we have given to seniors, that gift of Medicaid and Social Security so that they can be healthy and live in dignified ways in their own homes and be able to live long lives for their grandchildren and their great-grandchildren, that is something we should be proud of.

So as we go through this time, we have two kinds of debates. We have to deal with what is happening immediately, complete this 6-month—not 6-year, 6-month CR; I am talking about a 6-month budget—in a commonsense way, make sure that troops get paid, make sure we do not have any veterans losing their opportunity for disability benefits or pension benefits, and small businesses are not being delayed from getting their loans. In my judgment, we need to put down a marker saying if we cannot come together, that we are the ones who do not get paid, not the troops. Then the next step is to debate the vision of this country and where we go, what is important and what is not.

Should some Americans be asked to sacrifice in order to solve our problems and be stronger and compete in a global economy or should everybody be asked to do their part? People want to do their part, and they are willing to do their part. But we need to make that clear, that we expect everybody to be a part of the solution.

What I find most concerning today is that when we are in a global economy and we ought to be talking about the United States competing against China, the United States competing with Germany or India or Korea, we are not doing that. We are standing here on the Senate floor on a Thursday night talking about whether people will come together to complete a 6-month budget and make sure our troops can get paid. That is not the debate we should be having. We have precious time available to us. The debate we should be having is about how as Americans we will compete in a global economy and win. That is what we need to be doing. That is the debate I am anxious to have.

I hope we are not going to give up. I will not give up on what we need to do right now, to come together, get this done, avoid a government shutdown, and get on to the real business of creating jobs and competing in a global economy.

I thank the Chair.

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

Mr. FRANKEN. Madam President, I rise to talk about the disastrous consequences if my colleagues on the other side of the aisle continue to prioritize politics and posturing over what is best for Americans and our fragile economic recovery. We have 27 hours to convince them that shutting down the government should not be treated as a gimmick, that shutting down the government is a serious matter with serious consequences for almost every American. But before I go into the consequences and their impact on my constituents, I want to take a moment to reflect on how we got here, how we are now in a position where a government shutdown is 27 hours away.

One thing is certain: There is a lot of misinformation and confusion out there. A number of my friends on the other side of the aisle have been saying that the Democrats and the President refused or failed to pass appropriations for fiscal year 2011. This is revisionist and confused history.

One of my colleagues, a new Member, said today:

> Why was it that a few months ago, after the election but before the new Congress took over, when the President had both houses of Congress under control of his party, why did he opt not to pass a full budget for fiscal year 2011?

The Presiding Officer knows this is just not true. This isn't true. I have been hearing a lot of this.

We had appropriations legislation for the entire Federal Government ready to go. Democrats were in support of it. We were prepared to fund the government for the rest of the fiscal year. But, remember, it takes 60 votes to pass something like that in the Senate. There were 58 Democrats in the Senate last December, and there were 42 Republicans. So we needed some Republicans to pass a full budget for 2011—not many, but we needed two. We didn't get any. Not a single Republican agreed to support the bill. That is what happened.

For a while, we were told that a number of Republicans were going to support it. The bill had been negotiated on a bipartisan basis. But then, by all accounts, arms were twisted, and they were turned against the bill.

The minority leader said:

> I am actively working to defeat it.

And he did. He killed it. That is the truth. And my friends on the other side of the aisle celebrated.

After they made clear that there would not be enough votes to pass the omnibus bill, my friend from Illinois engaged in a colloquy with Senator MCCAIN, asking:

> For those who don't understand what just happened, did we just win?

Senator MCCAIN responded:

> I think there is very little doubt.

Senator KIRK concluded the colloquy by saying:

> I congratulate the Senator.

We really do owe it in these serious times to engage in debate where we are being honest with the American people. There is little doubt about who opted not to pass a full budget for 2011. It was not the President or the Democrats in the majority; it was my friends on the other side.

My friends on the other side protest that they do not want to shut down the government, and then they point the finger at us.

Yesterday, there was a rally for the tea party on Capitol Hill. Part of my delegation, MICHELLE BACHMANN, whom I like very much, said:

> Democrats are trying to make it look like we want to shut the government down. We don't. They are trying to do that.

Silence.

That same day at the same rally, MIKE PENCE said to them:

> It looks like we're going to have to shut down the government.

And what did the tea party crowd do? They started chanting: ''Shut it down. Shut it down. Shut it down. Shut it down.''

According to his own account, when Speaker BOEHNER told Republican colleagues in his caucus that he had taken steps to prepare for a shutdown, ''I got a standing ovation.''

There have been no standing ovations on our side about a prospective shutdown. Come on. We are trying to keep the government working. We desperately want to keep the government working.

Republicans are busy fighting ideological battles. For them, this is not about the deficit. It is not about the budget. It is certainly not about jobs. This is about ideology.

I was presiding today, and I had the opportunity to hear some of my colleagues talking about the bill the House passed today to fund the troops. We want to fund the troops if there is a shutdown. We do. There was all this sanctimonious talk about how Republicans want the troops to be funded, and the House had passed a bill to fund it. Do you know what was left out? That STENY HOYER, the minority whip in the House, the Democratic minority whip, had offered a bill to pay the troops if there was a shutdown, a clean bill, nothing attached to it other than that. It was voted down by Republicans in the House. What passed? A bill with a rider on it about abortion. I didn't hear that in all the sanctimonious talk.

Let's at least have an honest debate. Really, adding abortion? Look, I know there are people who have very strong, heartfelt feelings, obviously, on abortion on both sides. This is something we have been talking about for decades. Why put it a rider about abortion on legislation to pay for the troops and then go in front of this body and say: Democrats don't want to pay the troops.

This can't be about holding a gun to our heads and saying: You have to come down on this side of this issue that people feel so strongly about and have been debating for 40 years.

The Republicans in the House talk about the Constitution. They started this session by reading the Constitution. They left out some of the embarrassing parts, that a slave was three-fifths of a person. They left that out. But there are two Houses, and there is a President. But they don't want to compromise. They just want to put a gun to our heads. And it is in the form of abortion and in the form of global warming. Look, 99.6 percent of climate scientists in the world believe there is global warming and it is caused by human beings. The other .4 percent work for coal companies or oil companies or the Heritage Foundation. Then there might be another guy somewhere.

Why put a rider on this that is about ideology? This should not be an ideological debate. This is about getting

the deficit down and about our economy. We had 216,000 new jobs last month. It is fragile, but we are beginning to come out of this. This is not the time to shut the government down.

What it is going to do to people in my State, to seniors—every week, there are hundreds of seniors—how many a day—170 a day applying for Social Security. They are not going to be able to do that, people who just turned 65. There are people who are going to try to get FHA loans and won't be able to. There are farmers who want to put seed in the ground who will not have the Farm Service open. This is not the time to do this. This is going to mean 800,000 Federal employees laid off. What is that going to do to the economy?

Look, there are things in this that I don't like, but I am willing to swallow and do it.

They want to cut hundreds of millions of dollars in hunger programs, $700-plus million to cut food for women, infants, and children. It has been analyzed, and because of that, the neediest kids will not get their allotted amount of fruits and vegetables that is recommended. And that is not just during the closing; that is what they want to do for the rest of the year and presumably beyond that.

At the same time, we were here last December, and they wanted to extend the Bush tax cuts. They insisted on it, not just to your first million dollars or your second million dollars, to your tenth million dollars, to your 13th million dollars, or to your 300th million dollars. The top 400 income earners in this country average over $330 million a year in income. They would rather those women, infants, and children not get food, the food they need to be healthy. I don't like that. Boy, do I not like that. Boy, do I not like that. But I was willing to swallow that for whatever is in the compromise to keep the government going so we could go through the year, so we could keep the economy going, so we continue the job growth we have had.

They know how to keep the government going. Take the ideological stuff off. Let's not resolve abortion in 27 hours. We have had more than 27 years—37 years—since Roe v. Wade. Let's not put a gun to everyone's head and say we have to resolve Roe v. Wade in 27 hours. That is just plain inappropriate.

I think you know how I feel. I think we know which side gives standing ovations when it is announced the government may very well be shut down. I think we know which side's crowd cheers and chants when they hear there may be a shutdown. I wish it were not that way. I wish we were working together. I hope we are working together. I hope we are working together on Monday.

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

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

EXTENSION OF MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that the period for morning business be extended until 10:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, and I ask that the time for morning business be for debate only.

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

BUDGET NEGOTIATIONS

Mr. DURBIN. Madam President, I rise to speak in morning business, even though it is the evening—the nature of the Senate rules and procedure. During the course of the day, we have had a number of colleagues coming to the floor and talking about the looming shutdown of the Federal Government.

During the last several hours, as we have spoken, Majority Leader REID and Speaker BOEHNER have been meeting with President Obama. It is my sincere hope that it has been a productive and fruitful meeting and that they will report that we have found a way out of this difficulty. I certainly hope that is the case. But if it is not, if we are destined to see this government shut down tomorrow night at midnight, it is a sad commentary—one that most American voters will resent and be disappointed with, and understandably so. It basically says the leaders have not been able to reach an agrement. Fingers of blame will be pointed in both directions, and the public can reach conclusions about who is responsible.

From my point of view, having worked with Senator HARRY REID on this from the beginning, I attended many meetings and heard many reports. It has been a frustrating experience because the Speaker's position in the House has changed so often. The amount of money they wanted to cut from the budget, where it would come from, and the policy riders that were part of this conversation have been changing with each meeting. I know Senator REID is a patient person. I have watched him as my friend since we were both elected to the House in 1982, and as my colleague in the Senate now—and this is my third term. He is patient, but he has been frustrated because of these changing scenarios.

The most recent change is one that I find most troubling, which is that it appears the debate is no longer over deficit reduction or spending cuts. It really isn't about how much money we are going to cut during the remainder of this year. Most Americans thought that was what we were debating and negotiating. It turns out now that it has devolved into a debate over policy questions that have nothing to do directly—maybe even indirectly—with the budget deficit we face and the money we are going to spend.

For example, Speaker BOEHNER has been insisting today that the Senate adopt a provision which removes the authority of the EPA when it comes to issues involving pollution. I disagree with that position, but I have to say to the Speaker that he should check the CONGRESSIONAL RECORD. It is not the most exciting publication, but if he looks at yesterday's CONGRESSIONAL RECORD, he will find that we spent most of yesterday debating this point.

Four different amendments were offered by Democrats and Republicans, including Senator MCCONNELL, the Republican minority leader, on this issue. We debated them for days and voted yesterday on the question of the authority of the EPA. There were four votes.

On the first one, there were seven Senators voting in favor of the change in that amendment. On the second amendment, seven Senators again. On the third amendment, 12 Senators voted in favor of the change. The fourth, offered by Senator MCCONNELL, was 50–50. At the end of the day none of them passed.

For Speaker BOEHNER to insist now that we include in our bill a provision that has already been debated in the Senate and rejected is fundamentally unfair and goes way beyond any question about deficit reduction and cutting spending.

The second item he raised is one that is even more puzzling. For some reason the Republican majority in the House believes the last election was a referendum on whether we provide medical services to women in America. We have the title X program—primarily for low-income women—that gives them access to basic health care, to the type of cancer screening and infection screening that we want all of the women in America to have access to. The House Republicans decided we should eliminate that Federal commitment and close the clinics, denying access to millions of Americans to basic primary health care.

How can that be in the best interest of our country and the costs that we incur to provide medical services? How can it be fair to these people, the men and women who use these clinics because they are accessible and affordable? They want to close them down. I don't recall that debate in the last election. I don't remember any candidate for the House or Senate saying: I want to go to Washington to close down access to health care for women, children, and men across America. That is, in fact, what they are saying now is the reason we need to close down the government. They think it is better to close down the government than to continue to give access to medical care to women under title X.

Planned Parenthood, which has a clinic in my hometown of Springfield,

IL—for the record, Planned Parenthood and any clinic operating under title X is prohibited from using any Federal funds for the purpose of abortion. The only exceptions are those that have been in the law and accepted by both political parties for decades—the so-called Hyde amendment for women who are victims of rape, incest, or their lives are at stake in a continued pregnancy.

This isn't an abortion issue. It is obviously a health care issue. For some reason, the House Republicans would rather close down the government than allow this kind of health service to continue. That is troublesome.

It is also troubling that the underlying House budget they passed has been judged by economists to be a job killer—700,000 jobs would be lost if the Republicans passed their budget and the Senate approved it. At a time when we are celebrating the creation of over 200,000 new jobs last Friday, and the lowest unemployment rate in 24 months, here come the Republicans with a budget proposal that will cost 700,000 jobs, pushing us back toward recession instead of away from it. That isn't sensible.

I don't believe the American people ever considered that part of the bargain in the last election. It is true the American people focused on the deficit and cutting spending, and we are too—on both sides of the aisle. That is why we have reached an agreement on the amount of money to be cut from the remaining part of this budget. For us to now face a shutdown of the Federal Government over the question of women's access to health care or whether we are going to accept an EPA change, which has already been rejected on the floor of the Senate, shows the unreasonable level of this debate.

We had a meeting today of the Democratic Senators, and JOHN KERRY spoke. I told him afterward that what he said had a profound impact on me. He reminded us that what we are doing isn't just being observed by politicians on Capitol Hill or reporters and journalists in Washington; it is being watched by the world.

It is a sad commentary that this great Nation, the United States of America, with its government, has reached a point where we face closure. We know we can do better. It is unfortunate the House Republicans, with their new leadership facing growing pains, have brought us to this moment. I hope we can reach a point where we can find an agreement even now. I hope this evening there will be a breakthrough.

They said last week, when the Speaker announced to his Republican caucus in the House that there was going to be a shutdown of the government, there was a standing ovation. They were cheering the idea of shutting down the government.

I will not cheer that. That is a bad outcome. It is bad for taxpayers, bad for our Nation, and bad for the Federal employees who are performing essential services in North Carolina, Illinois, and across the country. These are men and women who are working to keep us safe. They are performing important duties, such as watching dangerous prisoners and making certain our planes take off and land safely. To even jeopardize for a minute the funding for these agencies is irresponsible to the extreme.

Let's hope there is an agreement. If not, let's hope we can extend somehow the functions of government and not close them down at midnight tomorrow evening. At this moment, there is no report. There is likely to be one later.

At this point, 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. REID. 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. REID. Madam President, I have just returned from the White House. We have narrowed the issues significantly; However, we have not yet reached an agreement. In 26 hours and 15 minutes the government will close if we don't get this resolved. We have not yet reached an agreement.

We are going to work throughout the night to attempt to resolve many issues. The remaining issues are extremely narrow. Having said that, I have been to this podium before, and I have spoken to the press before, and I said we have narrowed the issues—and we have. The sad part about it is that we never quite get to the finish line.

I hope we can work through the night and get this done. The President set an early morning deadline before we have to start notifying almost 1 million Federal employees that they will have to report to work and hear that they won't be there on Monday. It is a technical thing they have to do tomorrow before closing time. We need to work toward that deadline. I hope we can get that done. I am not really confident, but I am very hopeful.

FAIR ELECTIONS NOW ACT

Mr. DURBIN. Madam President, last year, the Supreme Court issued a decision in a case named Citizens United v. FEC. In this sweeping decision that ignored decades of precedent, the Supreme Court held that corporations and unions could spend as much money as they want to influence congressional elections.

At the time the Court issued this decision, I and others warned that Citizen United would have a negative impact on our democracy and open the floodgates to undisclosed private money in Federal elections.

The results of the first congressional elections after Citizens United have been analyzed. Those of us who sounded the alarm about this unfortunate decision were right.

In 2010, for the first time ever, spending on House and Senate races exceeded $1.6 billion.

Outside groups, now freed from spending limits by Citizens United, spent 335 percent more on congressional campaigns than they did just 4 years earlier.

The amount of money that big corporations and special interest lobbyists are willing to spend to shape policy is expected to increase even more in 2012.

This dramatic increase in spending tells us that big business is not going to be shy about using its new power to say to Members of Congress: ''If you vote against our business interests, we'll spend millions to make sure you never get the chance to vote against us again.''

That is a terrible reality for Members of Congress evaluating policy options and it is an even worse statement about our democracy.

As bad as Citizens United was, the Supreme Court may very well be at it again. Last week, the Court heard oral arguments in the McComish v. Bennett case.

An adverse decision in the McComish case would hamstring jurisdictions that have implemented campaign finance measures in response to corruption and scandal.

Citizens United and its corrosive impact remind us of the urgent need to fundamentally reform the way we finance congressional elections.

It is time we had a system that allows candidates to focus on constituents instead of fundraising.

That is why I introduced the Fair Elections Now Act. The Fair Elections Now Act will dramatically change the way campaigns are funded.

This bill lets candidates focus on the people they represent, regardless of whether those people have the wealth to attend a big money fundraiser or donate thousands of dollars.

Fair Elections candidates would be in the policy business, regardless of what policies are preferred by big business and wealthy special interests.

The Fair Elections Now Act will help restore public confidence in the congressional election process by providing qualified candidates for Congress with grants, matching funds, and vouchers from the Fair Elections Fund to replace campaign fundraising that largely relies on lobbyists and other special interests.

In return, participating candidates would agree to limit their campaign spending to amounts raised from small-dollar donors plus the amounts provided from the Fair Elections Fund.

Fair Elections would have three stages for Senate candidates.

To participate, candidates would first need to prove their viability by raising a minimum number and amount of small-dollar qualifying contributions from in-state donors. Once a candidate qualifies, that candidate must limit

the amount raised from each donor to $100 per election.

For the primary, participants would receive a base grant that would vary in amount based on the population of the state that the candidate seeks to represent. Participants would also receive a 5-to-1 match for small-dollar donations up to a defined matching cap. The candidate could raise an unlimited amount of $100 contributions if needed to compete against high-spending opponents.

For the general election, qualified candidates would receive an additional grant, further small-dollar matching, and vouchers for purchasing television advertising. The candidate could continue to raise an unlimited amount of $100 contributions if needed.

The Fair Elections approach frees candidates to spend more time with constituents and in policy debates and less time with wealthy donors and special interest lobbyists.

Our country faces major challenges.

Everyone knows that we need to reduce the deficit, modernize our energy policy, and reform the Tax Code—among other things.

What many people may not know is that, at every turn, there are high-powered, special interest lobbyists ready to fight every proposal.

It is mighty hard for Members of Congress not to pay attention to the concerns of big money lobbyists and donors when Members of Congress may need to raise money from these same people during their next campaign.

This bill would dramatically reduce the influence of these lobbyists and corporations, because Fair Elections candidates would not need their money to run campaigns.

Let me be clear: I honestly believe that the overwhelming majority of the people serving in American politics are good, honest people, and I believe that Senators and Congressmen are guided by the best of intentions.

But we are nonetheless stuck in a terrible, corrupting system.

The perception is that politicians are corrupted by the big money interests . . . and whether that is true or not, that perception and the loss of trust that goes with it makes it incredibly difficult for the Senate to take on tough challenges and have the American public believe that what we are doing is right.

This problem—the perception of pervasive corruption—is fundamental to our democracy, and we must address it.

Fair Elections is not some farfetched idea.

Fair Election systems are already at work in cities and states around the country.

Similar programs exist and are working well in more than 12 jurisdictions, including Maine, Arizona, North Carolina, and Vermont.

These programs are bringing new faces and new ideas into politics, making more races more competitive, and dramatically reducing the influence of special interests.

The vast majority of Americans agree that it is time to fundamentally change our system of financing campaigns.

Recent polling shows that 75 percent of Democrats, 66 percent of independents, and 55 percent of Republicans support Fair Elections-style reform.

The Fair Elections Now Act is supported by several good government groups, former Members of Congress from both parties, prominent business leaders, and even . . . lobbyists.

Special interests lobbyists and big corporations are entitled to a seat at the table, but they shouldn't be able to buy every seat.

The Fair Elections Now Act will reform our campaign finance system so that Members of Congress can focus on implementing policies that benefit the people that sent them to Washington.

CENTENNIAL CELEBRATION OF PLATTE COUNTY, WYOMING

Mr. BARRASSO. Madam President, I am pleased to recognize the Centennial of Platte County, WY.

Although today's Platte County is vastly different than that of 100 years ago, its vibrant history connects the two. The early inhabitants, who were then part of Laramie County, campaigned passionately for the division of the county. They had distinguished themselves as functional communities, and they contributed to the State's economy by strengthening their ties to the railroad, agricultural development, and mining industries. They wanted an independent identity. On April 28, 1911, a headline in the Wheatland World jubilantly announced, ''County division carries! Platte County a reality.'' Their success represents Wyoming's spirit of independence.

Platte County consists of 8,200 residents in the five communities of Wheatland, Guernsey, Hartville, Glendo, and Chugwater. Parts of Wheatland's unique irrigation system are still visible. In the early 1880s, engineers created a system of canals to transport water from manmade reservoirs through the mountains to the town below. Such foresight assisted in the taming of a small section of the great Wild West. A few miles outside of Guernsey stands Register Cliff, a sandstone outcropping upon which emigrants recorded their names and dates as they traveled the historic Oregon Trail. Wagon ruts from the trail are also visible and remind us of the grand journey people made. The Sunrise Mine, located just outside of Hartville, was one of the largest iron mines in the country, producing over 42 million tons of iron ore during its 80-year operation. Platte County is the only county in Wyoming with two State parks: Guernsey State Park and Glendo State Park. Both parks contribute to the area's irrigation systems, as well as provide excellent year-round recreational opportunities for Wyoming residents. Livestock production has always been a major enterprise in Wyoming; Chugwater earned distinction as the headquarters for Swan Land and Cattle Company, one of the largest cattle outfits in the United States. Now, new generations of ranchers continue the cattle legacy.

Today, Platte County helps meet America's growing energy demands. The Laramie River Station powerplant, located northeast of Wheatland, delivers electricity to two separate power grids and is one of the largest consumer-operated, joint power supply ventures in the country. Strides have been made in developing renewable energy technology, including plans to harness Wyoming's wind. Also impressive is Platte County's proximity to the Niobrara Shale Formation, a shale rock formation that covers four States in the West. Drilling beneath this formation will provide numerous opportunities for oil and natural gas production.

Madam President, in celebration of the 100th anniversary of Platte County, I invite my colleagues to visit this historic place. This year, the Platte County Centennial Committee has planned several countywide celebrations and has announced its motto, ''The People, the Land: Past, Present and Future.'' I applaud the citizens of Platte County in their efforts to celebrate such rich history and to present it to visitors from all over the world.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. CASS PENNINGTON

• Mr. COCHRAN. Madam President, I am pleased to commend Dr. Cass Pennington of Indianola, MS, for his service and contributions to the State of Mississippi while serving as the 76th president of Delta Council. Delta Council is an economic development organization representing the business, professional, and agricultural leadership of the alluvial floodplain commonly known as the Mississippi Delta. The organization was formed in 1935 and is widely respected for its role in meeting the challenges which have historically been faced by the economy and quality of life for this region of our State.

Cass Pennington has served as president of Delta Council during a time when our Nation and the State of Mississippi have experienced enormous economic challenges at the local, State, and national levels. During his career, Dr. Pennington has been best known for his contributions to education and improved access to healthcare throughout the 18 Delta and part-Delta counties of northwest Mississippi. Prior to becoming the president of Delta Council, Dr. Pennington served as Superintendent of Education for school districts in Tallahatchie and Sunflower Counties, MS. He has served as a college sports referee and is a past chairman of the Board of Institutions

of Higher Learning in the State of Mississippi, which oversees the operations and management of the eight public universities in our State.

Upon retirement from the local public education system in Indianola, MS, Dr. Pennington served as executive assistant to the president of Delta State University. Later, he was asked to move into the position as the first chief executive officer of Delta Health Alliance, which has been a vitally successful program aimed at improving access to health care in the Mississippi Delta.

Cass Pennington is respected in all business and education circles throughout our State. Delta Council, itself, has been taken to a new level through the involvement of Dr. Pennington. He is a leader and a man of strong conviction, especially with regard to the future of the Mississippi Delta.

In Mississippi, we appreciate Cass Pennington, his wife Carolyn, and their daughter Athena for the sacrifices they have made to help improve the lives of all who live and do business in the Mississippi Delta.●

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY ORIGINALLY DECLARED IN EXECUTIVE ORDER 13536 ON APRIL 12, 2010 WITH RESPECT TO SOMALIA—PM 8

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13536 of April 12, 2010, is to continue in effect beyond April 12, 2011.

The deterioration of the security situation and the persistence of violence in Somalia, and acts of piracy and armed robbery at sea off the coast of Somalia, which have repeatedly been the subject of United Nations Security Council resolutions, and violations of the Somalia arms embargo imposed by the United Nations Security Council, continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency with respect to Somalia and related measures blocking the property of certain persons contributing to the conflict in Somalia.

BARACK OBAMA.

THE WHITE HOUSE, *April 7, 2011.*

MESSAGE FROM THE HOUSE

At 2:57 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. 1363. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read twice and ordered to be placed on the calendar:

H.R. 1363. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 768. A bill to provide for continuing operations of Government in a fiscally responsible manner.

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–1232. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Rural Broadband Access Loans and Loan Guarantees'' (RIN0572–AC06) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1233. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Television Broadcasting Services; New Haven, CT'' (MB Docket No. 09–123; DA 11–501) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1234. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Television Broadcasting Services; El Paso, TX'' (MB Docket No. 11–4; DA 11–530) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1235. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Television Broadcasting Services; Jackson, MS'' (MB Docket No. 11–8; DA 11–516) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1236. A communication from the Chief Financial Officer, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Schedule of Fees for Access to NOAA Environmental Data, Information, and Related Products and Services'' (RIN0648–AX7) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1237. A communication from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Reliability Standards for Interconnection Reliability Operating Limits'' ((RIN1902–AE17) (Docket No. RM10–15–000)) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Energy and Natural Resources.

EC–1238. A communication from the Acting Chair of the Federal Subsistence Board, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the New Zealand-Australia Distinct Population Segment of the Southern Rockhopper Penguin'' (RIN1018–AV73) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC–1239. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Control of Preheat Temperature for Welding of Low-Alloy Steel'' (Regulatory Guide 1.50, Revision 1) received in the Office of the President of the Senate on April 5, 2011; to the Committee on Environment and Public Works.

EC–1240. A communication from the Director of Congressional Affairs, Nuclear Reactor Regulation Office, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Notice of Availability of Model Application and Safety Evaluation for Plant-Specific Adoption of TSTF–422, Revision 2 'Change in Technical Specifications End States (CE NPSD–1186)''' (NUREG–1432) received in the Office of the President of the Senate on April 5, 2011; to the Committee on Environment and Public Works.

EC–1241. A communication from the Chief of the Publications and Regulations Branch, Joint Board for the Enrollment of the Actuaries, transmitting, pursuant to law, the report of a rule entitled ''Regulations Governing the Performance of Actuarial Services Under the Employee Retirement Income Security Act of 1974'' (RIN1545–BC82) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Finance.

EC–1242. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Industry Director's Directive No. 2—Employment Tax and the Employees on the U.S. Outer Continental Shelf'' (LBandI–4–0211–005) received in the Office of the President of the Senate on April 5, 2011; to the Committee on Finance.

EC–1243. 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 ''Administrative Exemptions to the Specified Tax Return Preparer Electronic Filing Requirement. . . .'' (Notice 2011–26) received in the Office of the President of the Senate on April 5, 2011; to the Committee on Finance.

EC–1244. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the

Treasury, transmitting, pursuant to law, the report of a rule entitled ''The Mailing of Individual Income Tax Returns by Specified Tax Return Preparers in Calendar Year 2011'' (Notice 2011–27) received in the Office of the President of the Senate on April 5, 2011; to the Committee on Finance.

EC–1245. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Undue Hardship Waivers and Taxpayers Choice Statement'' (Rev. Proc. 2011–25) received in the Office of the President of the Senate on April 5, 2011; to the Committee on Finance.

EC–1246. A communication from the Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and U.S. civilian contractors involved in the anti-narcotics campaign in Colombia (OSS Control No. 2010–1895); to the Committee on Foreign Relations.

EC–1247. 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 for the manufacture, maintenance and repair, and overhaul of GG1111 series gyroscopes for end use by the Ministry of Defense of Japan; to the Committee on Foreign Relations.

EC–1248. 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 license for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, or defense services related to the manufacture and production of 7.62mm chain guns, in the amount of $1,000,000 or more to the United Kingdom and Canada; to the Committee on Foreign Relations.

EC–1249. 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 to include the export of defense articles, including technical data, or defense services relative to the export of 9mm semi-automatic pistols in the amount of $1,000,000 or more to Thailand; to the Committee on Foreign Relations.

EC–1250. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, including technical data, or defense services relative to military electrical connectors, backplane assemblies and related parts/components for end use by U.S. customers, in the amount of $50,000,000 or more to Mexico and Canada; to the Committee on Foreign Relations.

EC–1251. 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 agreement for the export of defense articles or defense services sold commercially under contract relative to the Proton rocket launch vehicle integration and launch of the Asiasat 7 commercial communications satellite, in the amount of $50,000,000 or more to Hong Kong, Russia, France, and Sweden; to the Committee on Foreign Relations.

EC–1252. 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 re-export of major defense equipment relative to the export of six C-130 E and H model aircraft, in the amount of $25,000,000 or more from the Kingdom of Saudi Arabia to the Government of Turkey; to the Committee on Foreign Relations.

EC–1253. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of defense articles, including technical data, and defense services, relative to the repair and overhaul of AE 2100J gas turbine engines for use in US-2 search and rescue aircraft, in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–1254. 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 to include the export of defense articles, technical data, and defense services relative to electrical generator products for various aircraft, in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–1255. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, including technical data, or defense services to Japan relative to the production, integration, operation, overhaul, repair, calibration, maintenance, training, and logistics support of the Chukar Aerial Target System in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–1256. 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 to include the export of defense articles, including technical data, and defense services, relative to Joint Strike Fighter airframe parts and components, in the amount of $100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–1257. 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 manufacture of significant military equipment abroad relative to both the H–726 Dynamic Reference Unit (DRU) and the H–726 Dynamic Reference Unit Hybrid (DRUH) for Military Vehicles to Germany; to the Committee on Foreign Relations.

EC–1258. 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; Clarification of Standard Form 26—Award/Contract'' ((RIN9000–AL72) (FAC 2005–51)) received in the Office of the President of the Senate on March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–1259. 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; Small Entity Compliance Guide'' (FAC 2005–51) received in the Office of the President of the Senate on March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–1260. 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; Women-Owned Small Business (WOSB) Program'' ((RIN9000–AL97) (FAC 2005–51)) received in the Office of the President of the Senate on April 5, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–1261. A communication from the Executive Director, U.S. Election Assistance Commission, transmitting, pursuant to law, a report relative to the No FEAR Act for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–1262. A communication from the Chairman, National Railroad Passenger Corporation, Amtrak, transmitting, pursuant to law, the Inspector General's Semiannual Report to Congress for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–1263. A communication from the Federal Register Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Changes to Implement the Prioritized Examination Track (Track I) of the Enhanced Examination Timing Control Procedures'' (RIN0651–AC52) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2011; to the Committee on the Judiciary.

EC–1264. A communication from the General Counsel, Office of Justice Programs, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''International Terrorism Victim Expense Reimbursement Program'' (RIN1121–AA78) received in the Office of the President of the Senate on April 5, 2011; to the Committee on the Judiciary.

EC–1265. A communication from the Associate Attorney General, Department of Justice, transmitting, pursuant to law, the Department's 2010 Freedom of Information Act Litigation and Compliance Report; to the Committee on the Judiciary.

EC–1266. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Regulations Issued Under the Export Grape and Plum Act; Revision to the Minimum Requirements'' (Docket No. AMS–FV–10–0091; FV11–35–1 FR) received in the Office of the President of the Senate on April 6, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1267. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''U.S. Honey Producer Research, Promotion, and Consumer Information Order; Termination of Referendum Procedures'' (Docket No. AMS–FV–07–0091; FV–07–706–FR) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1268. A communication from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Rural Energy for America Program'' (RIN0570–AA76) received in the Office of the President of the Senate on April 7, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1269. A communication from the Deputy Secretary of the Interior, transmitting,

pursuant to law, a report relative to a violation of the Antideficiency Act that occurred in the Geothermal Lease Revenues; to the Committee on Appropriations.

EC–1270. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–1271. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Robert E. Durbin, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–1272. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report relative the procurement and use of munitions; to the Committee on Armed Services.

EC–1273. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to Special Duty Pay for Afghanistan; to the Committee on Armed Services.

EC–1274. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to person-to-person mental health assessments; to the Committee on Armed Services.

EC–1275. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report relative to the Program Acquisition Unit Cost and the Average Procurement Unit Cost for the Global Hawk program exceeding the Acquisition Program Baseline values; to the Committee on Armed Services.

EC–1276. A communication from the Commission on Wartime Contracting in Iraq and Afghanistan, transmitting, pursuant to law, a report entitled ''Iraq—Forgotten Mission? The United States Needs to Sustain a Diplomatic Presence to Preserve Gains and Avoid Waste as the U.S. Military Leaves Iraq''; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 394. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 410. A bill to provide for media coverage of Federal court proceedings.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit.

Esther Salas, of New Jersey, to be United States District Judge for the District of New Jersey.

J. Paul Oetken, of New York, to be United States District Judge for the Southern District of New York.

Paul A. Engelmayer, of New York, to be United States District Judge for the Southern District of New York.

Ramona Villagomez Manglona, of the Northern Mariana Islands, to be Judge for the District Court for the Northern Mariana Islands for a term of ten years.

(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. PRYOR (for himself, Mr. BOOZMAN, Mr. WICKER, Ms. SNOWE, and Mr. VITTER):

S. 754. A bill to amend title 49, United States Code, to require the Secretary of Transportation to establish and maintain a national clearinghouse for records relating to alcohol and controlled substance testing of commercial motor vehicle operators, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself, Mr. SESSIONS, Mrs. MCCASKILL, Mr. THUNE, Mrs. BOXER, and Mr. GRAHAM):

S. 755. A bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. WYDEN):

S. 756. A bill to amend title XI of the Social Security Act to provide for the public availability of Medicare claims data; to the Committee on Finance.

By Mr. BARRASSO (for himself, Mr. BINGAMAN, and Mr. ENZI):

S. 757. A bill to provide incentives to encourage the development and implementation of technology to capture carbon dioxide from dilute sources on a significant scale using direct air capture technologies; to the Committee on Energy and Natural Resources.

By Mr. FRANKEN (for himself, Mr. LIEBERMAN, and Mrs. SHAHEEN):

S. 758. A bill to establish a Science, Technology, Engineering, and Math (STEM) Master Teacher Corps program; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 759. A bill to provide to the Secretary of the Interior a mechanism to cancel contracts for the sale of materials CA–20139 and CA–22901, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WARNER (for himself and Mr. WEBB):

S. 760. A bill to require the Office of Management and Budget to prepare a crosscut budget for restoration activities in the Chesapeake Bay watershed, to require the Environmental Protection Agency to develop and implement an adaptive management plan, and for other purposes; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself, Mr. AKAKA, and Mrs. MCCASKILL):

S. 761. A bill to improve the acquisition workforce through the establishment of an acquisition management fellows program and a leadership development training program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. COLLINS (for herself, Mr. AKAKA, Mrs. MCCASKILL, and Mr. BROWN of Massachusetts):

S. 762. A bill to improve the Federal Acquisition Institute; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LIEBERMAN (for himself, Mr. BROWN of Massachusetts, and Ms. LANDRIEU):

S. 763. A bill to amend the Elementary and Secondary Education Act of 1965 to require the establishment of teacher evaluation programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 764. A bill to amend the Wild and Scenic Rivers Act to make technical corrections to the segment designations for the Chetco River, Oregon; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 765. A bill to modify the boundary of the Oregon Caves National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 766. A bill to provide for the designation of the Devil's Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin Creeks in the State of Oregon as wild rivers, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 767. A bill to improve the calculation of, the reporting of, and the accountability for, secondary school graduation rates; to the Committee on Health, Education, Labor, and Pensions.

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

S. 768. A bill to provide for continuing operations of Government in a fiscally responsible manner; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. LUGAR:

S. Res. 135. A resolution remembering the 1 year anniversary of the April 10, 2010, plane crash that claimed the lives of the President of Poland Lech Kaczynski, his wife, and 94 others, while they were en route to memorialize those Polish officers, officials, and civilians who were massacred by the Soviet Union in 1940; to the Committee on Foreign Relations.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 136. A resolution to authorize document production in United States v. Douglas D. Hampton (D.D.C.); considered and agreed to.

By Mr. BURR (for himself, Ms. LANDRIEU, Mrs. HUTCHISON, and Mrs. HAGAN):

S. Res. 137. A resolution supporting the goals and ideals of Take Our Daughters and Sons To Work Day; considered and agreed to.

ADDITIONAL COSPONSORS

S. 211

At the request of Mr. ISAKSON, the names of the Senator from Maine (Ms. SNOWE), the Senator from Arizona (Mr. KYL) and the Senator from Idaho (Mr. RISCH) 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. 254

At the request of Mr. FRANKEN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 254, a bill to reduce the rape kit backlog and for other purposes.

S. 486

At the request of Mr. WHITEHOUSE, the name of the Senator from Montana (Mr. BAUCUS) 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. 489

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 489, a bill to require certain mortgagees to evaluate loans for modifications, to establish a grant program for State and local government mediation programs, and for other purposes.

S. 501

At the request of Mr. THUNE, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 501, a bill to establish pilot projects under the Medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies.

S. 520

At the request of Mr. COBURN, the names of the Senator from Idaho (Mr. RISCH), the Senator from Alabama (Mr. SESSIONS), the Senator from Texas (Mr. CORNYN) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S. 520, a bill to repeal the Volumetric Ethanol Excise Tax Credit.

S. 595

At the request of Mrs. MURRAY, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 595, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 605

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 605, a bill to amend the Controlled Substances Act to place synthetic drugs in Schedule I.

S. 662

At the request of Mr. VITTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 662, a bill to provide for payments to certain natural resource trustees to assist in restoring natural resources damaged as a result of the Deepwater Horizon oil spill, and for other purposes.

S. 665

At the request of Mr. BROWN of Ohio, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 665, a bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes.

S. 668

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

S. 672

At the request of Mr. ROCKEFELLER, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 712

At the request of Mr. DEMINT, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 712, a bill to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

S. 716

At the request of Mrs. SHAHEEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 716, a bill to establish within the Department of Education the Innovation Inspiration school grant program, and for other purposes.

S. 718

At the request of Mr. ROBERTS, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Wyoming (Mr. ENZI), the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. JOHANNS), the Senator from Indiana (Mr. LUGAR), the Senator from Idaho (Mr. RISCH), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Mississippi (Mr. COCHRAN), the Senator from North Carolina (Mr. BURR), the Senator from Missouri (Mr. BLUNT), the Senator from Kansas (Mr. MORAN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 718, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides.

S. 720

At the request of Mr. THUNE, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 720, a bill to repeal the CLASS program.

S. 724

At the request of Mrs. HUTCHISON, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Mexico (Mr. UDALL), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Montana (Mr. TESTER), the Senator from Louisiana (Mr. VITTER), the Senator from Tennessee (Mr. CORKER), the Senator from West Virginia (Mr. MANCHIN), the Senator from Colorado (Mr. UDALL), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Alabama (Mr. SESSIONS), the Senator from Massachusetts (Mr. BROWN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Alabama (Mr. SHELBY) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 724, a bill to appropriate such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, and supporting civilian and contractor personnel continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full—year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services.

S. 726

At the request of Mr. RUBIO, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 726, a bill to rescind $45 billion of unobligated discretionary appropriations, and for other purposes.

S. 740

At the request of Mr. REED, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 740, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. CON. RES. 4

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) 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. CON. RES. 7

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. Con. Res. 7, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 86

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. Res. 86, a resolution recognizing the Defense Intelligence Agency on its 50th Anniversary.

S. RES. 132

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

AMENDMENT NO. 253

At the request of Ms. SNOWE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of

amendment No. 253 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. SESSIONS, Mrs. MCCASKILL, Mr. THUNE, Mrs. BOXER, and Mr. GRAHAM):

S. 755. A bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due; to the Committee on Finance.

Mr. WYDEN. Mr. President, today, along with my colleagues Senators SESSIONS, MCCASKILL, THUNE, BOXER, and GRAHAM, I am introducing the Crime Victim Restitution and Court Fee Intercept Act. This bipartisan bill would help crime victims and state courts recover the restitution and fees that are owed to them. This bill would accomplish this worthy goal by intercepting tax refunds of deadbeat debtors who've failed to pay restitution or court fees. If enacted, this bill would essentially allow state courts to cross-reference outstanding debts with the IRS and use existing procedures to withhold tax refunds in order to satisfy past due debts.

This bill would not only deliver justice to crime victims who are owed restitution, but would also provide much-needed resources to help keep court rooms open and court programs operating. At a time when our State and local governments are struggling to find funding for vital programs—including keeping courthouse doors open—unpaid court fees represent an important source of revenue that should be captured. This bill would help close budget gaps and provide additional revenue without raising taxes or imposing any new costs or burdens. In fact, participation in the program would be optional for States, but I expect most States to participate and to benefit greatly from this bill.

This bill would operate the same way as the very successful child support debt collection system. The bill will allow states to share information on outstanding restitution owed and court debts with the IRS, which would then be required to intercept any Federal tax refunds of debtors and send that money to the victim or court owed that debt.

It has been estimated by the National Center for State Courts that outstanding court debts across the country total approximately $15 billion. In my home state of Oregon alone, the outstanding restitution and court fee debt amount is $987 million. Only a portion of outstanding debts are owed by individuals who will receive Federal tax refunds, so a portion of court debts would not be collected immediately. Nonetheless, the state of Oregon estimates that passage of this bill would allow the State to collect $30 million per year.

Without this straight-forward and efficient mechanism, the collection of victim restitution and court debts is a costly and time-consuming process. Enactment of this bill would reduce the fiscal cost and administrative burden that victims and courts bear in attempting to collect those debts. Again, in the midst of a challenging fiscal crisis, it only makes common sense to collect revenues that are already owed—through an efficient and convenient method.

Because this bill would benefit both the court system, and those who rely upon it, the Crime Victim Restitution and Court Fee Intercept Act is endorsed by a broad array of court, government, law enforcement, and crime victims' organizations. I would like to especially recognize the National Center for State Courts and the American Bar Association for their support in getting this bill introduced.

The bill is also supported by the Conference of Chief Justices, the Conference of State Court Administrators, the National Association for Court Managers, the National Conference of State Legislatures, the National Association of Counties, the Government Finance Officers Association, the National District Attorneys Association, the American Probation and Parole Association, the National Crime Law Institute, the National Center for Victims of Crime, the National Organization for Victim Assistance, the National Association of Crime Victim Compensation Boards, the National Association of VOCA Assistance Administrators, the National Network to End Domestic Violence, the National Alliance to End Sexual Violence, the National Organization of Parents of Murdered Children Inc., and Mothers Against Drunk Driving.

I urge all colleagues to support this bipartisan legislation and I yield the floor.

By Mr. GRASSLEY (for himself and Mr. WYDEN):

S. 756. A bill to amend title XI of the Social Security Act to provide for the public availability of Medicare claims data; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, in March, I introduced S. 454, the Strengthening Program Integrity and Accountability in Health Care Act, to enhance the government's ability to combat Medicare and Medicaid fraud.

One of the provisions in that bill would require the Secretary of Health and Human Services to issue regulations to make Medicare claims and payment data available to the public similar to other federal spending disclosed on www.USAspending.gov.

That website was created by legislation sponsored by then-Senator Obama and Senator COBURN. It lists almost all federal spending, but it doesn't include Medicare payments made to physicians.

That means virtually every other government program, including some defense spending, is more transparent than spending by the Medicare program.

Medicare is funded by taxpayers, and in 2009, the federal government spent $502 billion on Medicare.

Taxpayers should have a right to see how their hard-earned dollars are being spent.

Also, if doctors know their billing information is public, it might deter some wasteful practices and overbilling.

On the day that I introduced S. 454, I learned that Senator WYDEN was also working on legislation to make Medicare payments to physicians available to the public. We decided to work together.

Today, Senator WYDEN and I are introducing the Medicare Data Access for Transparency and Accountability Act, Medicare DATA Act.

This bill would require the Secretary of Health and Human Services to issue regulations to make available a searchable Medicare payment database that the public can access at no cost.

Our bill also clarifies that data on Medicare payments to physicians and suppliers do not fall under a Freedom of Information Act, FOIA, exemption.

Under a 1979 court decision, Medicare is prohibited from releasing physicians' billing information to the public.

But before that injunction, the Department of Health, Education, and Welfare—now the Department of Health and Human Services—was in the process of releasing reimbursement data for all Medicare providers.

Third parties that have tried to obtain physician specific data through the FOIA process have failed in the past because the courts held that physicians' privacy interests outweigh the public's interest in disclosure.

The nonprofit, consumer organization—Consumers' Checkbook—for example, had filed a lawsuit against the Department of Health and Human Services to compel disclosure of that data.

The organization made its FOIA request to determine whether or not Medicare paid physicians who had the qualifications to perform the services for which they sought federal reimbursement, especially those performing a high volume of difficult procedures.

In particular, the organization was looking for physicians with insufficient board certifications or histories of disciplinary actions.

My question is: why wouldn't we want individuals examining this data to ensure that the government is protecting taxpayer dollars by preventing improper billing to the Medicare program?

And why wouldn't we want public interest watchdog groups helping to look out for potential abuse or fraud?

In January, the Wall Street Journal reported the American Medical Association's, AMA, concerns about making

Medicare claims data publicly available.

The AMA President said that physicians ''should not suffer the consequences of having false or misleading conclusions drawn from complex Medicare data that has significant limitations.''

But I would like to note the value of access to Medicare billing data.

Even with limited access, the Wall Street Journal was able to identify suspicious billing patterns and potential abuses of the Medicare system.

The Wall Street Journal found cases where Medicare paid millions to a physician, sometimes for several years, before those questionable payments stopped.

Volume alone doesn't automatically mean there's fraud, waste, or abuse.

More patients may be going to a specific physician for a particular service because that physician is a leader in his or her field.

Nonetheless, to alleviate the concerns raised by the American Medical Association, our bill would require a disclaimer that the data in the public database ''does not reflect on the quality of the items of services furnished or of the provider of services or supplier who furnished the items or services.''

I believe transparency in the health care system leads to more accountability and thus less waste and more efficient use of scarce resources.

I have often quoted Justice Brandeis, who said, ''Sunlight is the best disinfectant.''

That is what Senator WYDEN and I are aiming to accomplish with the Medicare DATA Act.

When it comes to public programs like Medicare, the Federal Government needs all the help it can get to identify and combat fraud, waste and abuse.

Our bill will add to the reforms Congress passed last year.

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. 756

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 ''Medicare Data Access for Transparency and Accountability Act''.

SEC. 2. PUBLIC AVAILABILITY OF MEDICARE CLAIMS DATA.

(a) IN GENERAL.—Section 1128J of the Social Security Act (42 U.S.C. 1320a–7k) is amended by adding at the end the following new subsection:

''(f) PUBLIC AVAILABILITY OF MEDICARE CLAIMS DATA.—

''(1) IN GENERAL.—The Secretary shall, to the extent consistent with applicable information, privacy, security, and disclosure laws, including the regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 and section 552a of title 5, United States Code, make available to the public claims and payment data of the Department of Health and Human Services related to title XVIII, including data on payments made to any provider of services or supplier under such title.

''(2) IMPLEMENTATION.—

''(A) IN GENERAL.—Not later than December 31, 2012, the Secretary shall promulgate regulations to carry out this subsection.

''(B) REQUIREMENTS.—The regulations promulgated under subparagraph (A) shall ensure that—

''(i) the data described in paragraph (1) is made available to the public through a searchable database that the public can access at no cost;

''(ii) such database—

''(I) includes the amount paid to each provider of services or supplier under title XVIII, the items or services for which such payment was made, and the location of the provider of services or supplier;

''(II) is organized based on the specialty or the type of provider of services or supplier involved;

''(III) is searchable based on the type of items or services furnished; and

''(IV) includes a disclaimer that the aggregate data in the database does not reflect on the quality of the items or services furnished or of the provider of services or supplier who furnished the items or services; and

''(iii) each provider of services or supplier in the database is identified by a unique identifier that is available to the public (such as the National Provider Identifier of the provider of services or supplier).

''(C) SCOPE OF DATA.—The database shall include data for fiscal year 2012, and each year fiscal year thereafter.''.

(b) INFORMATION NOT EXEMPT UNDER THE FREEDOM OF INFORMATION ACT.—The term ''personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy'', as used in section 552(b)(6) of title 5, United States Code, does not include the information required to be made available to the public under section 1128J(f) of the Social Security Act, as added by subsection (a).

Mr. WYDEN. Mr. President, I rise today with Senator GRASSLEY to introduce the Medicare Data Access for Transparency and Accountability Act. I would like to begin by thanking my friend and esteemed colleague for his unwavering commitment to greater transparency and accountability in government. This Medicare DATA Act advances that goal.

Sunshine continues to be the greatest disinfectant. In that light, the Medicare DATA Act ensures all taxpayers have access to the Medicare Claims Database, both to aid them in making medical decisions, and in understanding what their money is paying for in this vital, yet enormous, health program. Making this information public will also help prevent wasteful spending and outright fraud in Medicare claims. The Medicare Claims Database is an important resource for public and private stakeholders as it captures healthcare provider payment and claims information for roughly 1/3 of the United States healthcare system. But why isn't this information already available?

In 1978, the Department of Health Education and Welfare attempted to release this information, upon request, under the premise that accessibility to the source data was in the public interest and therefore should be made available for public consumption. An injunction by a Florida court, however, successfully blocked that public disclosure of this information. As a result, this data has been—with limited exceptions made for government employees, contractors, and researchers willing to pay for partial access—off limits for the last three decades. Passage of the Medicare DATA Act puts an end to that practice.

I consider hiding information affecting the American taxpayer that clearly should be in the public domain, to be indefensible in a free society. With this principle in mind, I join with Senator GRASSLEY in changing ''business as usual.''

I urge my colleagues to support this legislation so that Medicare data is finally fully transparent and available to Medicare beneficiaries and taxpayers alike. I look forward to working with my colleagues in this effort.

By Mrs. BOXER:

S. 759. A bill to provide to the Secretary of the Interior a mechanism to cancel contracts for the sale of materials CA–20139 and CA–22901, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, I am pleased to introduce the Soledad Canyon High Desert, California Public Lands Conservation and Management Act of 2011. This bill would resolve a 21-year-old mining dispute between the City of Santa Clarita and CEMEX USA, and have numerous other benefits for communities in Los Angeles and San Bernardino Counties, CA.

In 1990, the Bureau of Land Management awarded CEMEX two 10-year consecutive contracts to extract 56 million tons of sand and gravel from a site in Soledad Canyon. The City of Santa Clarita strongly opposed CEMEX's expansion of mining in this area. After two decades of conflict and nearly a decade of litigation, the two parties announced a truce in early 2007, and started working out an agreement.

This legislation would implement the terms of that agreement. It would require the Secretary of the Interior to cancel CEMEX's mining contracts in Soledad Canyon and prohibit future mining at this site. The BLM would sell lands near Victorville, CA that are currently on its disposal list, and would use the proceeds to compensate CEMEX for the cancellation of its mining contracts. Local land use authorities, such as the City of Victorville and County of San Bernardino, would have the right of first refusal to purchase many of these parcels, which would help satisfy their future development needs. Some of these funds would also go towards the purchase of environmentally-sensitive lands in Southern California.

My legislation would settle a 20-year-old dispute to all parties' satisfaction, complement future development plans in Southern California, and help secure important lands for conservation.

That's why it has won the support of a diverse group of interests, including the City of Santa Clarita, CEMEX, the Santa Monica Mountains Conservancy, and the Sierra Club.

I look forward to working with my colleagues to secure the passage of this important legislation.

By Ms. COLLINS (for herself, Mr. AKAKA, and Mrs. MCCASKILL):

S. 761. A bill to improve the acquisition workforce through the establishment of an acquisition management fellows program and a leadership development training program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President. I rise today to introduce two bills that would lay a strong foundation to improve the Federal acquisition system.

The first bill, the Acquisition Workforce Improvement Act of 2011, S. 761, co-sponsored by Senators AKAKA and MCCASKILL, would create a Federal acquisition management fellows program to develop a new generation of acquisition leaders with government-wide perspective, skills, and experience.

The second bill, the Federal Acquisition Institute Improvement Act of 2011, S. 762, co-sponsored by Senators AKAKA, MCCASKILL and BROWN of Massachusetts, would provide much-needed organizational clarity to enable the Federal Acquisition Institute (FAI) to fulfill its mission of facilitating career development and better management of the federal acquisition workforce.

The Federal acquisition system is under tremendous stress. Between fiscal years 2000 and 2010, acquisition spending by the federal government expanded by 163 percent, from $205 billion to $535 billion. The necessary costs of military operations, natural disasters, homeland security precautions, and other vital programs will continue to strain the acquisition system in the years ahead.

This unprecedented level of purchasing creates abundant opportunities for fraud, waste, and abuse. We have seen far too many outrageous failures in government contracting. The Secure Border Initiative Network, the Census Bureau's handheld computers for the 2010 Census, and the Marine Presidential Helicopter programs are among recent, notorious and costly acquisition failures, which we can ill afford.

These and other failures demand strong steps to protect taxpayer dollars and deliver better acquisition outcomes.

As a long-time advocate for stronger competition, accountability, and transparency in government contracting, I recognize the actions the Administration has taken recently to improve federal contracting. Many of these initiatives originated from legislation I coauthored with Senator LIEBERMAN during the 110th Congress.

But, no matter how many laws we pass or guidance documents OMB issues, the effectiveness of our Federal acquisition system ultimately depends on a vital human component—the acquisition workforce.

While contract spending has risen dramatically, the number of acquisition professionals who help plan, award, and oversee these contracts has been stagnant. And with roughly half of the current acquisition workforce eligible to retire by 2018, the difficulties of strengthening that workforce are becoming increasingly acute. A well-trained and adequately sized acquisition workforce is critical to managing and overseeing federal spending and the increasingly complex procurements of services and goods.

The two pieces of legislation I am introducing today are designed to address these important long-term goals.

The Acquisition Workforce Improvement Act would create a centrally managed, Government-wide Acquisition Management Fellows Program that combines both a Master's degree-level academic curriculum and on-the-job training in multiple federal agencies. By partnering with leading universities that have specialized government acquisition programs, the government can attract top-caliber students and retain our best government employees who are interested in pursuing both academic advancement and public service.

Compared to the several existing, agency-specific intern programs, this government-wide program would provide a much-needed skill set that we currently do not have in sufficient number; that is, acquisition professionals with multi-agency and multidisciplinary training who can understand and manage government-wide acquisition needs and perspectives.

Considering that interagency acquisition now accounts for approximately 40 percent of the Federal Government's entire contract spending, and that GAO has designated the management of interagency contracting a high-risk area since 2005, it is evident that we need to develop future acquisition leaders who understand government-wide needs and perspectives and are able to operate effectively outside of the traditional, single-agency environment.

Specifically, the Acquisition Management Fellows Program would include one academic year of full-time, on-campus training followed by 2 years of on-the-job and part-time training toward a Masters or equivalent graduate degree in related fields; and a curriculum that would include rotational assignments at three or more executive agencies covering, among other issues, acquisition planning, cost-estimating, formation and post-award administration of ''high risk'' contract types, and interagency contracts.

Upon graduation, participants will have completed all required, non-agency-specific training courses necessary for a basic contracting officer warrant.

In addition, participants would be required to enter into a service commitment to ensure the Federal Government receives a proper return on its investment. The service commitment would be no less than 1 year for each year a participant is in the program, and would require reimbursement of funds for those who do not successfully complete the program or do not fulfill the minimum service requirements.

Our second bill, the Federal Acquisition Institute Improvement Act, would strengthen the Federal Acquisition Institute, FAI, whose key responsibilities are to promote career development and strategic human capital management for the entire civilian acquisition workforce.

The FAI has remained largely underutilized due to a lack of organizational clarity, the disproportionate funding compared to its counterpart in the Department of Defense, and its intermittent use by a few Federal agencies.

The proposed legislation would establish a clear line of responsibility and accountability for the Institute by requiring that FAI, through its Board of Directors, report directly to the Office of Federal Procurement Policy, OFPP; the director of FAI be appointed by the OFPP Administrator, and report directly to the OFPP Associate Administrator for Acquisition Workforce; all existing civilian agency training programs follow guidelines issued by OFPP, which would ensure consistent training standards necessary to develop uniform core competencies; and the OFPP Administrator report annually to Congressional committees of jurisdiction projected FAI budget needs and expense plans to fulfill its statutory mandate.

With respect to its core government-wide functions, FAI would be required to provide and keep current government-wide training standards and certification requirements including ensuring effective agency implementation of government-wide training and certification standards; analyzing the curriculum to ascertain if all certification competencies are covered, or if adjustments are necessary; developing career-path information for certified professionals to encourage retention in government positions; and coordinating with the Office of Personnel Management for human capital efforts.

The administration has identified acquisition workforce development as a pillar for improving acquisition practices and contract performance. While I fully agree with this goal, we need specific and concrete action to solve this problem.

Our legislation would prompt the sustained effort necessary to rebuild the acquisition workforce. While this will take time and investment, I am confident this is a wise investment that will yield substantial returns. Just think about it: if our better-trained acquisition professionals can prevent one failed procurement, it can save the taxpayer hundreds of millions of dollars. If they can avoid overpaying one percent of our contract spending, it

will save the taxpayer more than five billion dollars each year. The numbers speak for themselves.

The Acquisition Workforce Improvement Act and the Federal Acquisition Institute Improvement Act are critically needed and both enjoy bipartisan support. I encourage my colleagues to support them.

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

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

S. 761

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 ''Acquisition Workforce Improvement Act of 2011''.

SEC. 2. GOVERNMENT-WIDE ACQUISITION MANAGEMENT FELLOWS PROGRAM.

(a) ESTABLISHMENT OF ACQUISITION MANAGEMENT FELLOWS WORKFORCE PROGRAM.—

(1) IN GENERAL.—Chapter 17 of title 41, United States Code, is amended by adding at the end the following new section:

''§ 1714. Government-wide acquisition management fellows program

''(a) ESTABLISHMENT OF PROGRAM.—Not later than 180 days after the date of the enactment of the Acquisition Workforce Improvement Act of 2011, the Administrator shall establish a government-wide acquisition management fellows program (in this section referred to as the 'program') for the purpose of investing in the long-term improvement and sustained excellence of the Federal acquisition workforce.

''(b) OBJECTIVES.—The objectives of the program shall be as follows:

''(1) To develop a new generation of acquisition leaders with government-wide perspective, skills, and experience.

''(2) To recruit individuals with the outstanding academic merit, ethical value, business acumen, and leadership skills to meet the acquisition needs of the Federal Government.

''(3) To offer, upon completion of the program, opportunities for advancement, competitive compensation, and leadership opportunities at various executive agencies.

''(c) STRUCTURE.—

''(1) CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS.—The Office of Federal Procurement Policy shall enter into contracts, grants, or cooperative agreements with one or more qualified universities with demonstrated expertise in Federal Government acquisition.

''(2) TRAINING.—The program shall consist of one academic year of full-time, on-campus training followed by two years of on-the-job and part-time training toward a Masters or equivalent graduate degree in related fields.

''(3) CURRICULUM.—The curriculum of the program shall include the following elements:

''(A) Rotational assignments at three or more executive agencies covering all phases of the contract life cycle, from acquisition planning to contract formation and post-award administration of contract types identified in part 16 of the Federal Acquisition Regulation, and including interagency contracts, contract cost and pricing, and negotiation techniques.

''(B) All required non-agency-specific training courses necessary for basic contracting officer warrant as established by the Office of Federal Procurement Policy.

''(C) Emphasis on transparency, accountability, and integrity in the public contracting process.

''(D) Other necessary courses and education as required by participating universities.

''(4) PRIORITY FOR EMPLOYMENT.—To the extent permitted by law, the head of each executive agency shall give priority to graduates of the program for purposes of hiring employees in the acquisition field, based on performance during the program and other qualifications, and shall compensate such graduates at an initial GS-12 level of the General Schedule, or equivalent, with the potential for a GS-13 level of compensation, or equivalent, upon one year of satisfactory performance.

''(d) SIZE.—The total number of individuals entering the program each year may not exceed 200. There shall be at least 50 participants in the first year of the program, 100 participants in the second year, and 150 participants thereafter.

''(e) ELEMENTS.—In carrying out the program, the Administrator shall—

''(1) enter into one or more contracts, grants, or cooperative agreements with qualified universities having an expertise in Federal Government acquisition and the resources to administer the program independently;

''(2) be responsible for the management and oversight of the overall program and for placement of individuals upon graduation;

''(3) allow participating universities to select and to remove program participants in accordance with the established academic process for such graduate degree programs;

''(4) ensure that veterans (as that term is defined in section 101(2) of title 38) are given priority as candidates for participation in the program; and

''(5) periodically review the career development of the program participants upon placement and make necessary adjustments to the program to ensure the objectives are met.

''(f) SERVICE AGREEMENT.—

''(1) COMMITMENT FOR FEDERAL SERVICE.—A person selected for participation in the program shall commit to employment with the Federal Government in the field of acquisition, following completion of the program, under such terms and conditions as the Administrator considers appropriate to ensure the Federal Government receives proper return on investment. Such employment shall be for a term of not less than one year for each year in the program.

''(2) REIMBURSEMENT OF FUNDS.—In cases of candidates who do not successfully complete the program or do not fulfill the minimum service requirements, the candidates shall be required to reimburse the Federal Government for funds received under the program.

''(g) OFPP ACQUISITION FELLOWS DEVELOPMENT FUND.—

''(1) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a fund to be known as the 'OFPP Acquisition Fellows Development Fund' (in this section referred to as the 'Fund').

''(2) USE OF FUNDS.—Amounts in the Fund shall be used for—

''(A) the establishment and operations of the program;

''(B) the award of contracts, grants, or cooperative agreements to cover expenses including—

''(i) tuition, books, materials, and other academic expenses;

''(ii) room and board of students during the time students are enrolled in the program;

''(iii) expenses for travel as required by the program;

''(iv) stipends; and

''(v) other necessary expenses the Administrator considers necessary.

''(3) DEPOSITS TO FUND.—

''(A) IN GENERAL.—The Fund shall consist of amounts appropriated or otherwise made available to the Fund.

''(B) TRANSFER.—The Administrator may transfer necessary amounts from the Acquisition Workforce Training Fund (AWTF) established under section 1703(i) of this title to provide an initial deposit or to augment the Fund.

''(C) DEPARTMENT OF DEFENSE PARTICIPATION.—If the Department of Defense elects to participate in the program, it shall provide necessary funds, commensurate to the share of participants it sponsors, from proceeds available pursuant to section 1703(i)(5) of this title or section 1705 of title 10.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1714. Government-wide acquisition management fellows program.''.

(b) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a preliminary report on the program, including a description of the program and the five-year budget needed to carry out the government-wide acquisition management fellows program established under section 1714 of title 41, United States Code, as added by subsection (a).

(2) ANNUAL REPORT.—Not later than one year after the commencement of the program and annually thereafter, the Administrator shall submit to the appropriate congressional committees a report on the program. The report shall include—

(A) a description of the activities under the program, including the number of individuals who participated in the program and the training provided such individuals under the program;

(B) an assessment of the effectiveness of the program in meeting the objectives of the program, including the performance of each university administering the program; and

(C) any recommendations for additional legislative or administrative action that the Administrator considers appropriate in light of the program.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the OFPP Acquisition Fellows Development Fund the following amounts:

(1) For fiscal year 2012, $16,000,000.

(2) For fiscal year 2013, $32,000,000.

(3) For fiscal year 2014, and each fiscal year thereafter, $48,000,000.

SEC. 3. LEADERSHIP DEVELOPMENT TRAINING PROGRAM.

(a) ESTABLISHMENT OF LEADERSHIP DEVELOPMENT TRAINING PROGRAM.—

(b) ESTABLISHMENT OF TRAINING PROGRAM.—Not later than 180 days after the date of the enactment of this Act, Administrator for Federal Procurement Policy shall establish a leadership development training program for Federal employees focused on core leadership and acquisition competencies. The purpose of the training program shall be to foster the development of high performing

individuals in the three core acquisition disciplines of contracting, program management, and cost estimating to serve as future acquisition leaders.

(c) OBJECTIVES.—The objectives of the program shall be as follows:

(1) To develop a new generation of acquisition leaders in the three major acquisition disciplines currently in the Federal workforce in order to expand and improve the quality of the acquisition workforce.

(2) To develop high performing Federal employees in the three major acquisition disciplines to provide opportunities for advancement into leadership positions.

(3) To enhance the ability to foster networking and understanding among the three major acquisition disciplines to achieve desired acquisition outcomes.

(d) STRUCTURE.—

(1) COOPERATIVE AGREEMENT.—The Office of Federal Procurement Policy shall enter into cooperative agreements with one or more institutions of higher learning as prescribed under Office of Management and Budget Circular A–102, ''Grants and Cooperative Agreements with State and Local Governments'' to develop and implement the training program.

(2) PARTICIPANTS.—The training program participants shall be composed of an equal distribution of the three targeted acquisition disciplines.

(3) PROGRAM SELECTION OFFICIAL.—The Director of the Federal Acquisition Institute shall be the program selection official.

(4) TRAINING.—The program shall consist of 18 months of academic classroom training. The participants shall complete the training during normal duty hours, and shall remain at their current duty station during any such hours not spent in training. Upon successful completion of the program, participants shall receive a Master's Degree in Public Administration with a concentration in Federal acquisition.

(5) CURRICULUM.—The curriculum of the program shall be developed by the partnering institution or institutions of higher learning and approved by the Director of the Federal Acquisition Institute.

(e) SIZE.—The total number of individuals entering the pilot program shall be not less than 50. There shall be an equal composition of the three acquisition functions.

(f) ELEMENTS.—In carrying out the program, the Administrator for Federal Procurement Policy shall—

(1) enter into cooperative agreements with one or more institutions of higher learning to provide for the management and oversight of the training program; and

(2) collaborate with such institution or institutions to develop learning objectives and to design classroom training to best meet the program objectives.

(g) SERVICE AGREEMENT.—

(1) COMMITMENT FOR FEDERAL SERVICE.—A person selected for participation in the program shall commit to employment for not less than 2 years with the Federal Government in the field of acquisition, following completion of the program, under such terms and conditions as the Administrator for Federal Procurement Policy considers appropriate to ensure the Federal Government receives proper return on investment.

(2) REIMBURSEMENT OF FUNDS.—In cases where a participant does not complete the minimum employment commitment, the participant shall reimburse the Federal Government for a prorated share of the cost of the training, based on the proportion of the commitment that remains unfulfilled.

(h) USE OF FUNDS.—Amounts in the Acquisition Workforce Training Fund (AWTF) established under section 1703(i) of title 41, United States Code, may be made available for the program and may be used for—

(1) the establishment and operations of the program, including planning and administration;

(2) classroom training expenses, including—

(A) tuition;

(B) books; and

(C) other necessary expenses the Administrator for Federal Procurement Policy considers necessary.

(i) REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the commencement of the training program, and semi-annually thereafter, the Administrator for Federal Procurement Policy shall submit to the appropriate congressional committees a report on the program.

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) a description of the activities under the training program, including the number of individuals who participated in the program and the training provided such individuals under the program;

(B) an assessment of the effectiveness of the program in meeting the objectives of the program, including the performance of the partnering institution or institutions of higher learning;

(C) recommendations for additional legislative or administrative action that the Administrator for Federal Procurement Policy considers appropriate in light of the program; and

(D) workforce data to support the return on investment, including retention rates and improvement in workforce quality.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Leadership Development Training Program the following amounts:

(1) For fiscal year 2012, $500,000.

(2) For fiscal year 2013, $250,000.

By Ms. COLLINS (for herself, Mr. AKAKA, Mrs. MCCASKILL, and Mr. BROWN of Massachusetts):

S. 762. A bill to improve the Federal Acquisition Institute; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. 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. 762

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Acquisition Institute Improvement Act of 2011''.

SEC. 2. ACQUISITION WORKFORCE IMPROVEMENTS.

(a) WORKFORCE IMPROVEMENTS.—Section 1704(b) of title 41, United States Code, is amended—

(1) by inserting after the first sentence the following: ''The Associate Administrator shall be chosen on the basis of demonstrated knowledge and expertise in acquisition, human capital, and management.'';

(2) by striking ''The Associate Administrator for Acquisition Workforce Programs shall be located in the Federal Acquisition Institute (or its successor).'' and inserting ''The Associate Administrator shall be located in the Office of Federal Procurement Policy.'';

(3) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(4) by redesignating paragraph (5) as paragraph (6); and

(5) by inserting after paragraph (4) the following new paragraph:

''(5) implementing workforce programs under subsections (f) through (k) of section 1703 of this title; and''.

(b) FEDERAL ACQUISITION INSTITUTE.—

(1) IN GENERAL.—Division B of title 41, United States Code, is amended by inserting after chapter 11 the following new chapter:

''CHAPTER 12—FEDERAL ACQUISITION INSTITUTE

''Sec.

''1201. Federal Acquisition Institute.

''§ 1201. Federal Acquisition Institute

''(a) IN GENERAL.—There is established a Federal Acquisition Institute (FAI) in order to—

''(1) foster and promote the development of a professional acquisition workforce government-wide;

''(2) promote and coordinate government-wide research and studies to improve the procurement process and the laws, policies, methods, regulations, procedures, and forms relating to acquisition by the executive agencies;

''(3) collect data and analyze acquisition workforce data from the Office of Personnel Management, the heads of executive agencies, and, through periodic surveys, from individual employees;

''(4) periodically analyze acquisition career fields to identify critical competencies, duties, tasks, and related academic prerequisites, skills, and knowledge;

''(5) coordinate and assist agencies in identifying and recruiting highly qualified candidates for acquisition fields;

''(6) develop instructional materials for acquisition personnel in coordination with private and public acquisition colleges and training facilities;

''(7) evaluate the effectiveness of training and career development programs for acquisition personnel;

''(8) promote the establishment and utilization of academic programs by colleges and universities in acquisition fields;

''(9) facilitate, to the extent requested by agencies, interagency intern and training programs;

''(10) collaborate with other civilian agency acquisition training programs to leverage training supporting all members of the civilian agency acquisition workforce;

''(11) assist civilian agencies with their acquisition human capital planning efforts; and

''(12) perform other career management or research functions as directed by the Administrator.

''(b) BUDGET RESOURCES AND AUTHORITY.—

''(1) IN GENERAL.—The Administrator for Federal Procurement Policy shall recommend to the Administrator of the General Services Administration sufficient budget resources and authority for the Federal Acquisition Institute to support government-wide training standards and certification requirements necessary to enhance the mobility and career opportunities of the Federal acquisition workforce.

''(2) ACQUISITION WORKFORCE TRAINING FUND.—Subject to the availability of funds, the Administer of General Services shall provide the Federal Acquisition Institute with

amounts from the acquisition workforce training fund established under section 1703(i) of this title sufficient to meet the annual budget for the Federal Acquisition Institute requested by the Administrator for Federal Procurement Policy.

''(c) FEDERAL ACQUISITION INSTITUTE BOARD OF DIRECTORS.—

''(1) REPORTING TO ADMINISTRATOR.—The Federal Acquisition Institute shall report through its Board of Directors directly to the Administrator for Federal Procurement Policy.

''(2) COMPOSITION.—The Board shall be composed of not more than 8 individuals from the Federal Government representing a mix of acquisition functional areas, all of whom shall be appointed by the Administrator.

''(3) DUTIES.—The Board shall provide general direction to the Federal Acquisition Institute to ensure that the Institute—

''(A) meets its statutory requirements;

''(B) meets the needs of the Federal acquisition workforce;

''(C) implements appropriate programs;

''(D) coordinates with appropriate organizations and groups that have an impact on the Federal acquisition workforce;

''(E) develops and implements plans to meet future challenges of the Federal acquisition workforce; and

''(F) works closely with the Defense Acquisition University.

''(4) RECOMMENDATIONS.—The Board shall make recommendations to the Administrator regarding the development and execution of the annual budget of the Federal Acquisition Institute.

''(d) DIRECTOR.—The Director of the Federal Acquisition Institute shall be appointed by, and report directly to, the Administrator.

''(e) ANNUAL REPORT.—The Administrator shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives an annual report on the projected budget needs and expense plans of the Federal Acquisition Institute to fulfill its mandate.''.

(2) CONFORMING AMENDMENT.—Section 1122(a)(5) of such title is amended to read as follows:

''(5) providing for and directing the activities of the Federal Acquisition Institute established under section 1201 of this title, including recommending to the Administrator of General Services a sufficient budget for such activities.''.

(c) GOVERNMENT-WIDE TRAINING STANDARDS AND CERTIFICATION.—Section 1703 of title 41, United States Code, is amended—

(1) in subsection (c)(2)—

(A) by striking ''The Administrator shall'' and inserting the following:

''(A) IN GENERAL.—The Administrator shall''; and

(B) by adding at the end the following:

''(B) GOVERNMENT-WIDE TRAINING STANDARDS AND CERTIFICATION.—The Administrator, acting through the Federal Acquisition Institute, shall provide and update government-wide training standards and certification requirements, including—

''(i) developing and modifying acquisition certification programs;

''(ii) ensuring quality assurance for agency implementation of government-wide training and certification standards;

''(iii) analyzing the acquisition training curriculum to ascertain if all certification competencies are covered or if adjustments are necessary;

''(iv) developing career path information for certified professionals to encourage retention in government positions;

''(v) coordinating with the Office of Personnel Management for human capital efforts; and

''(vi) managing rotation assignments to support opportunities to apply skills included in certification.''; and

(2) by adding at the end the following new subsection:

''(l) ACQUISITION INTERNSHIP AND TRAINING PROGRAMS.—All Federal civilian agency acquisition internship or acquisition training programs shall follow guidelines provided by the Office of Federal Procurement Policy to ensure consistent training standards necessary to develop uniform core competencies throughout the Federal Government.''.

(d) EXPANDED SCOPE OF ACQUISITION WORKFORCE TRAINING FUND.—Section 1703(i) of such title is amended—

(1) in paragraph (2), by striking ''to support the training of the acquisition workforce of the executive agencies'' and inserting ''to support the activities set forth in section 1201(a) of this title''; and

(2) in paragraph (6), by striking ''ensure that amounts collected for training under this subsection are not used for a purpose other than the purpose specified in paragraph (2)'' and inserting ''ensure that amounts collected under this section are not used for a purpose other than the activities set forth in section 1201(a) of this title''.

(e) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to preclude the Secretary of Defense from establishing acquisition workforce policies, procedures, training standards, and certification requirements for acquisition positions in the Department of Defense, as provided in chapter 87 of title 10, United States Code.

By Mr. LIEBERMAN (for himself, Mr. BROWN of Massachusetts, and Ms. LANDRIEU):

S. 763. A bill to amend the Elementary and Secondary Education Act of 1965 to require the establishment of teacher evaluation programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, I rise today to introduce the Securing Teacher Effectiveness, Leaders, Learning, And Results Act of 2011—the STELLAR Student Act, and I am honored to be joined in this bipartisan effort by my colleagues Senator SCOTT BROWN and Senator MARY LANDRIEU. The STELLAR Student Act will ensure that all students are taught by effective teachers and that all teachers are supported by effective principals.

Teacher and principal effectiveness are critical factors in improving student learning and achievement. Research shows that increasing teacher quality is one of the most effective and promising strategies for improving education in the United States. Some studies show that the differences in achievement gains for students who had the most effective teachers versus those who had the least effective teachers were greater than any single influence of class-size, race, socio-economic status, or parent education. Estimates suggest that the difference between having a highly effective teacher versus a highly ineffective teacher can be as much as a full year's learning growth.

Imagine the dire situation for a student who has a highly ineffective teacher for multiple years in a row. It is a situation that many students experience and potentially never recover from. There are far too many ineffective teachers, especially in less affluent urban districts. In many cases, due to antiquated hiring and firing protocols and policies, those ineffective teachers are keeping innovative young teachers from teaching where they are needed most. It is essential that we begin to differentiate between those highly effective and highly ineffective teachers and principals, especially when it comes to making personnel decisions in these challenging economic times.

The STELLAR Student Act of 2011 aims to encourage States to do just that by directing States to develop evaluation systems that consider student achievement and classroom observation, and to use those evaluations for key personnel decisions including pay, tenure, lay-offs, and retention.

To further these goals, the STELLAR Student Act of 2011 would specifically direct States to implement a teacher assessment system that bases teacher effectiveness predominantly on student academic growth and other measures including classroom observations; direct States to implement a principal assessment system that bases effectiveness predominantly on student academic growth as well as improvement in graduation rates, leadership, and successful hiring, development, evaluation, and retention of teachers; tie Title 1 funding to teacher and principal evaluations that incorporate multiple measures, relying predominantly on measures of student academic growth and achievement, as well as classroom performance; require that evaluations be used to inform key personnel decisions including tenure, compensation, and layoffs in the event of any reduction in force; encourage input from teachers and principals in the development and improvement of evaluations; and encourage improved targeting of professional development based on these evaluations.

The STELLAR Student Act addresses the fact that current teacher and principal evaluation systems are inadequate. Evaluation measures for teachers are not strongly linked to their ability to teach. In fact, seniority, not effectiveness, is often the single indicator used for making teacher personnel decisions. Some studies show that less than 1 percent of teachers are identified as unsatisfactory even though we know many more than 1 percent falls into this category. This also means that our most effective teachers are lumped together with less effective teachers and are not recognized for their exceptional work.

It is time to rethink conventional measures of teacher qualifications such as advanced degrees, traditional

credentialing, and years of experience as measures of teacher quality, and focus instead on actual measures of teacher effectiveness, such as student academic growth. Indeed, many States are looking for ways to tie teacher performance to student achievement and then use this information to inform personnel decisions. The STELLAR Student Act will help States do just that.

Although we believe it is important to hold teachers and principals accountable for student achievement, teachers and principals are certainly not the problem—they are an essential part of the solution. This bill asks for input from teachers and principals in designing and improving assessment systems, recognizes the importance of observation and other ongoing formative assessments, highlights the need for meaningful professional development, and asks States to duly recognize those effective teachers and leaders. The STELLAR Student Act also encourages school districts to assist low performing teachers by setting up targeted remediation and improvement plans.

Many teachers and parents also recognize and support the need for effective teacher evaluation linked to student performance. In a recent survey, 69 percent of teachers and 92 percent of parents support measuring teacher effectiveness based on student growth. In addition, most teachers—approximately 80 percent—and parents—approximately 96 percent—also believe that giving schools more ability to remove teachers who are not serving students well should be another priority. From the same survey, teachers in schools with high proportions of low-income students, high proportions of minority students, and those in urban or rural schools are more likely than other teachers to say that using measurements of teacher effectiveness that are based in significant part on student growth is something that must be done. Those same teachers are also more likely to say that giving schools greater ability to remove teachers who are not serving students well is something that must be done.

The Administration and many States are already moving in the direction of increased accountability and effective teacher and principal assessments. As the President said in the State of the Union ''we do want to reward good teachers and stop making excuses for the bad ones.'' A number of States, many of which are leaders in education reform, are exploring ways to hold teachers and principals more accountable along with rethinking ideas around tenure and the long standing last-in-first-out policies.

Whether your concern is that our students rank behind 30 other countries in math, that 1.2 million students drop out of school each year, or that an unacceptable achievement gap still persists for our low income and minority students, all of us must act on the urgent need to put forth a strong bipartisan effort to fix our education system. The reauthorization of the Elementary and Secondary Education Act, long overdue, affords us the opportunity. We must work across the aisle to fix what is broken in the current education law. We hope the STELLAR Student Act will be considered in the context of the ESEA rewrite, to ensure effective teachers and principals for every child and every school. Our colleagues in the House have introduced a similar bill, and I urge my colleagues in the Senate to support the STELLAR Student Act of 2011.

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. 763

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 ''Securing Teacher Effectiveness, Leaders, Learning, And Results Act'' or the ''STELLAR Student Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Effective teachers and principals are the backbone of our schools and the key to successful students.

(2) Teachers and principals deserve our full support as they take on one of the most important and most challenging responsibilities—educating our children.

(3) Research shows that high-quality and effective teaching is the single most important school-based factor impacting student learning.

(4) High-quality evaluations that provide meaningful feedback are a crucial element in giving educators the support they need to help students achieve at high levels.

(5) Teachers and principals also deserve access to high-quality professional development opportunities.

(6) Constructive feedback specifying areas for improvement could be useful to both teachers and principals.

(7) Although research also suggests that quality teacher evaluations are an important tool in improving teacher performance, for many teachers, the current evaluation systems do not provide useful feedback that would help the teachers improve and grow as instructors.

(8) In formal studies, including research highlighted in ''The Widget Effect'', nearly 75 percent of teachers reported that they have not received specific suggestions on how to improve classroom practices in annual evaluations.

(9) Across all local educational agencies, only 43 percent of teachers, including novice teachers who may benefit the most from suggestions, report that current evaluations systems help them.

(10) Research also shows that school leadership quality is second only to teacher quality among school-related factors that impact student learning.

(11) Strong school leadership is a key determinant of whether schools can attract and retain effective teachers. Principals set the direction and the vision for a school.

(12) Effective teachers and principals also deserve to be recognized for excellence and receive commendations in areas of strong performance and significant improvement.

(13) High-quality teacher and principal evaluations have the potential to be a powerful tool and should play a significant role in improving the public education system.

(14) Teachers and principals should provide input and contribute directly to designing, implementing, and improving evaluation systems in their school districts.

(15) Students and parents deserve effective teachers and inspirational principals who are performing to the best of their ability and who are helping to close achievement gaps and raise student achievement.

SEC. 3. ROBUST TEACHER AND PRINCIPAL EVALUATIONS.

(a) TEACHER AND PRINCIPAL EVALUATIONS.—Section 1111(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(a)) is amended by adding at the end the following:

''(3) REPORT ON TEACHER AND PRINCIPAL EVALUATIONS.—For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary not later than 1 year after the date of enactment of the Securing Teacher Effectiveness, Leaders, Learning, And Results Act, a report on—

''(A) the system in the State of evaluating teachers' and principals' performance; and

''(B) how such evaluation factors into decisions on tenure, compensation, promotion, and dismissals of teachers and principals.''.

(b) TEACHER AND PRINCIPAL EVALUATIONS.—Section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)) is amended by adding at the end the following:

''(11) ROBUST TEACHER AND PRINCIPAL EVALUATIONS.—

''(A) IN GENERAL.—Not later than 4 years after the date of enactment of the Securing Teacher Effectiveness, Leaders, Learning, And Results Act, each State shall carry out the following:

''(i) Establish, after taking input from teachers and principals, a statewide definition of teacher and principal effectiveness that includes not less than 4 levels of performance ratings for teachers and for principals, including an effective rating and a highly effective rating, based on such definitions.

''(ii) Demonstrate that the State has developed, after taking input from teachers and principals, a model teacher and principal evaluation program under which—

''(I) individuals in charge of administering teacher and principal evaluations within each local educational agency in the State are provided rigorous training on how to conduct the teacher and principal evaluations, including—

''(aa) how to provide specific feedback about improving teaching and principal practice based on evaluation results; and

''(bb) how to evaluate teachers and principals using the performance ratings described in clause (i) and established under subparagraphs (B)(iii) and (C)(viii);

''(II) a teacher or principal who is evaluated is provided, based on the evaluation results, professional development opportunities that meet the specific needs identified for the teacher or principal;

''(III) measures are taken to ensure that any personally identifiable information of teachers and principals is not publicly disclosed, except as required to comply with the reporting requirements of paragraph (1)(C)(ix), and clauses (i)(III) and (ii)(III) of paragraph (2)(B), of section 1111(h);

''(IV) regular monitoring and assessment of the quality, reliability, validity, fairness, consistency, and objectivity of the evaluation program and the evaluators' judgments takes place within and across local educational agencies in the State;

''(V) each teacher's performance is evaluated in accordance with subparagraph (B);

''(VI) each principal's performance is evaluated in accordance with subparagraph (C);

''(VII) on the basis of the evaluation, each teacher or principal receives—

''(aa) a performance rating, as described in clause (i), that is based on multiple measures;

''(bb) in the case of a teacher—

''(AA) in a grade level and subject area with a statewide assessment, a measure of student learning gains that is comparable across the State for all teachers in grade levels and subject areas with a statewide assessment; or

''(BB) in a grade level and subject area without a statewide assessment, a measure of student learning gains that is comparable across the local educational agency for all teachers in grade levels and subject areas without a statewide assessment;

''(cc) ongoing formative feedback and specific recommendations on areas for professional improvement, which includes an identification of areas in which the teacher or principal can strengthen practices to improve student learning;

''(dd) a measure of student academic growth with respect to the State's academic standards of the school's students, including students in each of the subgroups described in paragraph (2)(C)(v)(II);

''(ee) commendations for excellence in areas of strong performance and in areas of significant improvement; and

''(ff) in the case of a teacher or principal who is identified as being in 1 of the lowest 2 performance ratings described in clause (i), a 1-year comprehensive remediation plan;

''(VIII) evaluation results are used as the principal factor in informing all key personnel and staffing decisions, including retention, dismissal, promotion, compensation, and tenure;

''(IX) evaluation results are the primary factor used in determining layoffs during any reduction in force;

''(X) any teacher or principal who receives 1 of the lowest 2 performance ratings and does not successfully improve performance on an evaluation after completing the comprehensive remediation plan as required under subclause (VII)(ff) is prohibited from working in any elementary school or secondary school served under this part;

''(XI) any teacher or principal who receives the lowest performance rating for 3 consecutive years is subject to dismissal;

''(XII) evaluation results are used to ensure that low-income students and students of color are not assigned at higher rates than other students to classes in core academic subjects taught by teachers who have received 1 of the 2 lowest evaluation rates in their most recent evaluation; and

''(XIII) a system is implemented under which each teacher and principal is evaluated at least annually.

''(iii) Demonstrate that each local educational agency in the State has adopted a local educational agency-wide teacher and principal evaluation program that—

''(I) was developed after seeking input from teachers and principals;

''(II) meets the standards for validity and reliability developed by the State; and

''(III) meets the minimum requirements set forth in clause (ii).

''(iv) Demonstrate that each local educational agency in the State is seeking input from teachers and principals to make improvements to the evaluation program on an annual basis.

''(v) Submit, on a regular basis, to the Secretary a review of the teacher and principal evaluation systems used by the local educational agencies in the State, including—

''(I) comparing the teacher and principal evaluation results, for each local educational agency and each such agency's schools, against the student academic achievement and student academic growth in all local educational agencies in the State and all schools served by such local educational agencies;

''(II) assessing the extent to which each local educational agency's existing system demonstrates meaningful differentiation among teacher performance levels and among principal performance levels; and

''(III) comparing implementation and results across local educational agencies' evaluation systems to ensure—

''(aa) comparability across the State in implementation of such systems; and

''(bb) that such systems meet the State's criteria or definitions for each of the terms described in clause (i).

''(vi) Provide technical assistance to improve an agency's teacher and principal evaluation system so that the system provides meaningful differentiation and is aligned with student academic achievement and student growth results in the agency and in each of the agency's schools.

''(vii) Establish a timeline for implementation that—

''(I) ensures that measures of student academic growth, as described in subparagraphs (B)(i) and (C)(i), are developed not later than 2 years after the date of enactment of the Securing Teacher Effectiveness, Leaders, Learning, And Results Act;

''(II) ensures evaluation systems that meet the requirements of subparagraphs (B) and (C) are implemented statewide by not later than 3 years after the date of enactment of such Act, except that such systems shall not have to meet the requirements under subclauses (VIII) through (XII) of clause (ii); and

''(III) ensures evaluation systems that meet all the requirements of this paragraph are fully implemented statewide by not later than 4 years after the date of enactment of such Act.

''(viii) Submit to the Secretary an annual report on implementation of the State plan under this section and on meeting the timelines required under this section.

''(ix) Publish a report each year showing the average estimate of teacher impact on student growth for each of the performance ratings described in clause (i).

''(B) REQUIREMENTS FOR TEACHER EVALUATIONS.—The evaluation of a teacher's performance shall comply with the following minimum requirements:

''(i) STUDENT ACADEMIC GROWTH.—The predominant factor of the evaluation is student academic growth with respect to the State's academic standards, as measured by—

''(I) student learning gains on the State's academic assessments established under paragraph (3) or, for grades and subjects not covered by the State's academic assessments, another valid and reliable assessment of student academic achievement, as long as the assessment is used consistently by the local educational agency in which the teacher is employed for the grade or class for which the assessment is administered; and

''(II) if available, value-added measures that track individual student academic growth while under the instruction of the teacher.

''(ii) OBSERVATIONS OF TEACHER PERFORMANCE.—A portion of the evaluation is based on observations of the teacher's performance in the classroom by not less than 1 trained and objective observer—

''(I) that take place on not less than 2 occasions during the school year the teacher is being evaluated; and

''(II) under which—

''(aa) a teacher is evaluated against a rigorous rubric that defines multiple performance categories in alignment with the State's professional standards for teachers; and

''(bb) observation ratings meaningfully differentiate among teachers' performance and bear a relationship to evidence of student academic growth with respect to the State's academic standards.

''(iii) MEANINGFUL DIFFERENTIATION.—The evaluation provides performance ratings that meaningfully differentiate among teacher performance using the performance ratings and levels described in subparagraph (A)(i).

''(iv) COMPARABILITY OF STUDENT GAINS.—The evaluation provides a measure of student learning gains that is comparable across the State for all teachers in grade levels and subject areas with a statewide assessment.

''(v) COMPARABILITY OF RESULTS.—The evaluation provides results that are comparable, at a minimum, across all teachers within a grade level or subject area in the local educational agency in which the teacher is employed.

''(C) REQUIREMENTS FOR PRINCIPAL EVALUATIONS.—The evaluation of the performance of a principal of a school shall comply with the following minimum requirements:

''(i) STUDENT ACADEMIC GROWTH.—The predominant factor of the evaluation is student academic growth with respect to the State's academic standards of the school's students, including students in each of the subgroups described in paragraph (2)(C)(v)(II).

''(ii) GRADUATING RATES.—For a principal of a secondary school, a portion of the evaluation is based on improvements in the school's graduation rates.

''(iii) SUPPORT OF EFFECTIVE TEACHERS.—A portion of the evaluation is based on the recruitment, development, evaluation, and retention of effective teachers.

''(iv) LEADERSHIP ABILITIES.—A portion of the evaluation is based on the leadership abilities of the principal, as measured by observations of the principal and other relevant data evaluated against a rigorous rubric that defines multiple performance categories in alignment with the State's professional standards for principals.

''(v) STUDENT ATTENDANCE RATES.—A portion of the evaluation is based on student attendance rates, as calculated by the State or local educational agency.

''(vi) CONTENT OF OBSERVATION RATINGS.—The observations described in clause (iv) provide observation ratings that—

''(I) meaningfully differentiate among principals' performance; and

''(II) bear a strong relationship to evidence of student academic growth with respect to the State's academic standards.

''(vii) DESCRIPTION OF LEADERSHIP ABILITIES.—The leadership abilities referred to in clause (iv) include the ability of the principal to—

''(I) create a shared and coherent schoolwide direction and policy for achieving high levels of student academic growth and closing achievement gaps among students;

''(II) identify and implement the activities and rigorous curriculum necessary for achieving high levels of student academic growth;

''(III) create opportunities for the community and families of students to engage positively with school administrators and staff;

''(IV) support positive learning environments for students;

''(V) cultivate a positive and collaborative work environment for school faculty and staff;

''(VI) collect, analyze, and utilize data and other tangible evidence of student learning

and evidence of classroom practice to guide decisions and actions for continuous improvement and to ensure performance accountability;

''(VII) effectively oversee and manage a teacher evaluation program that provides individualized feedback; and

''(VIII) have strong organizational management of a school, including sound budget and personnel practices.

''(viii) MEANINGFUL DIFFERENTIATION.—The evaluation provides performance ratings that meaningfully differentiate among principal performance using the performance ratings and levels described in subparagraph (A)(i).

''(ix) COMPARABILITY OF RESULTS.—The evaluation provides results that are comparable across all principals within the local educational agency in which the principal is employed.''.

(c) ADDITIONAL STATE PLAN REQUIREMENTS.—Section 1111(b)(8)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(8)(C)) is amended by inserting ''or teachers who received a performance rating under the evaluation system described in paragraph (11) that is below the effective level'' after ''teachers''.

(d) EVALUATION CLEARINGHOUSE.—Section 1111(j) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(j)) is amended—

(1) by striking ''ASSISTANCE.—The'' and inserting the following: ASSISTANCE; CLEARINGHOUSE ON EVALUATION SYSTEMS—

''(1) TECHNICAL ASSISTANCE.— The''; and

(2) by adding at the end the following:

''(2) CLEARINGHOUSE.—The Secretary shall establish a clearinghouse in the Department to share the best practices relating to teacher and principal evaluation, including best practices and other information based on the reports described in subsection (a)(3), the evaluation reviews described in subsection (a)(11)(A)(v), and any other reports addressing teacher and principal evaluation that are required under this Act, with other educators.''.

SEC. 4. PUBLIC REPORTING.

Section 1111(h) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)) is amended—

(1) in paragraph (1)(C)—

(A) in clause (vii), by striking ''and'' after the semicolon;

(B) in clause (viii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(ix) for each performance rating described in subsection (a)(11)(A)(i), the number and percentage of teachers, and the number and percentage of principals, who received such performance rating, for—

''(I) the State overall;

''(II) the highest poverty and lowest poverty local educational agencies; and

''(III) the highest minority and lowest minority local educational agencies.'';

(2) in paragraph (2)(B)—

(A) in clause (i)—

(i) in subclause (I), by striking ''and'' after the semicolon; and

(ii) by adding at the end the following:

''(III) for each performance rating described in subsection (a)(11)(A)(i), the number and percentage of teachers, and the number and percentage of principals, who received such performance rating, for—

''(aa) the local educational agency overall;

''(bb) the highest poverty and lowest poverty schools; and

''(cc) the highest minority and lowest minority schools; and''; and

(B) in clause (ii)—

(i) in subclause (I), by striking ''and'' after the semicolon;

(ii) in subclause (II), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(III) for each performance rating described in subsection (a)(11)(A)(i), the number and percentage of teachers at the school that received such performance rating.'';

(3) in paragraph (4)—

(A) in subparagraph (F), by striking ''and'' after the semicolon;

(B) in subparagraph (G), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(H) the information required to be reported under paragraphs (1)(C)(ix) and (2)(B)(i)(III).''; and

(4) by adding at the end the following:

''(7) DEFINITIONS.—For purposes of this subsection:

''(A) HIGHEST MINORITY.—The term 'highest minority' when used in relation to a school or local educational agency means a school or local educational agency that is in the highest quartile of schools or local educational agencies statewide in terms of the percentage of pupils who are members of ethnic or racial minority groups.

''(B) HIGHEST POVERTY.—The term 'highest poverty' when used in relation to a school or local educational agency means a school or local educational agency that is in the highest quartile of schools or local educational agencies statewide in terms of the percentage of students who are certified as eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(C) LOWEST MINORITY.—The term 'lowest minority' when used in relation to a school or local educational agency means a school or local educational agency that is in the lowest quartile of schools or local educational agencies statewide in terms of the percentage of pupils who are members of ethnic or racial minority groups.

''(D) LOWEST POVERTY.—The term 'lowest poverty' when used in relation to a school or local educational agency means a school or local educational agency that is in the lowest quartile of schools or local educational agencies statewide in terms of the percentage of students who are certified as eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(E) STUDENT ACADEMIC GROWTH.—The term 'student academic growth' means the change in a student's achievement between 2 or more points in time, as measured through an approach that is statistically rigorous and appropriate for the knowledge and skills being measured.''.

SEC. 5. RECOGNITION OF LOCAL EDUCATIONAL AGENCIES.

The Secretary of Education shall, based on the information received from each local educational agency report card under section 1111(h)(2)(B)(i)(III) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(2)(B)(i)(III)), recognize and provide commendations to each local educational agency that implements or has implemented innovative, high-quality, and effective teacher or principal evaluation programs that lead to professional development and improved student performance.

SEC. 6. REPORT.

Not later than 1 year after the date of enactment of this Act, the Secretary of Education shall prepare and submit a report to Congress that—

(1) identifies any unnecessary or duplicative education-related reporting requirements and regulations facing States and local educational agencies as a result of the amendments made by this Act to section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311); and

(2) includes the Secretary's recommendations regarding streamlining or eliminating the requirements regarding highly qualified teachers under sections 1119 and 9101(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319, 7801(23)) after the teacher evaluation system required under section 1111 of such Act (20 U.S.C. 6311), as amended by this Act, is fully implemented.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 764. A bill to amend the Wild and Scenic Rivers Act to make technical corrections to the segment designations for the Chetco River, Oregon; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, part of my job as a Senator from a beautiful State like Oregon is to keep that beauty protected for the next generation of Oregonians. Today it is my pleasure to reintroduce three bills to better protect three of Oregon's special natural resources, S. 764, 765, and 766. I have introduced all of these bills before, one of these in both of the last two Congresses. The Oregon Caves Revitalization Act of 2011 was first introduced in 2008, and again in the last Congress. It progressed out of the Energy and Natural Resources Committee in the last Congress but unfortunately there wasn't an opportunity to vote on it on the Senate Floor. The Devil's Staircase Wilderness Act of 2011 also moved out of the Committee but failed to get a vote in the full Senate. The Chetco River Protection Act of 2011 was also introduced last session, but there was not enough time to get a hearing before the Senate adjourned. I am pleased to again introduce these bills with my colleague from Oregon, Senator MERKLEY. My colleague in the House of Representatives, Representative DEFAZIO, will also be introducing companion legislation today.

The first bill I am introducing, the Oregon Caves Revitalization Act of 2011, will expand the boundary of the National Park Service land to create the Oregon Caves National Monument and Preserve. Under this bill, the stunning majesty of both the underground and the aboveground treasures found at this National Monument site will be protected for future generations.

Established by a Presidential Proclamation in 1909, the Oregon Caves National Monument is a 480-acre natural wonder located in the botanically-rich Siskiyou Mountains. It was originally set aside because of its unusual scientific interest and importance. Oregon Caves has a unique geologic history and is particularly known as the longest marble cave open to the public west of the Continental Divide.

A perennial stream, the ''River Styx''—an underground portion of Cave Creek—flows through part of the cave and is one of the dynamic natural forces at work in the National Monument. The cave ecosystem provides habitat for numerous plants and animals, including some state-sensitive species such as Townsend's big-eared

bats and several cave-adapted species of arthropods found only in only one place on Earth: the Oregon Caves. The caves possess a significant collection of Pleistocene aged fossils, including jaguar and grizzly bear. In 1995, grizzly bear bones found in the cave were estimated to be at least 50,000 years old, the oldest known from either North or South America.

Today, I am proposing legislation that will enhance the protection for treasures such as these found within the Oregon Caves National Monument and that will increase public recreation opportunities by adding surrounding lands to the National Park Service site. My bill would expand the park site by 4,070 acres to include the entire Cave Creek Watershed, and transfer management of the land from the United States Forest Service to the National Park Service. The newly acquired lands will be designated as a Preserve so that hunters can still use them. In addition, my legislation would designate at least 9.6 miles of rivers and tributaries as Wild, Scenic, or Recreational, under the federal Wild and Scenic Rivers Act, including the first subterranean Wild and Scenic River, the River Styx. This bill would also authorize the retirement of existing grazing allotments.

When the Oregon Caves National Monument was established in 1909, the focus was on the unique subsurface resources, and the small rectangular boundary was thought to be adequate to protect the cave. Through the years, however, scientific research and technology have provided new information about the cave's ecology, and the impacts from the surface environment and the related hydrological processes. The current 480-acre boundary simply can't adequately protect this cave system. The National Park Service has formally proposed a boundary modification numerous times, first in 1939, again in 1949, and most recently in 2000. Today, I am happy to again propose legislation to enact that boundary adjustment into law.

The Oregon Caves National Monument makes a unique contribution to Southern Oregon's economy and to the national heritage. The Monument receives over 80,000 visitors annually and a larger Monument boundary will help showcase more fully the recreational opportunities on the above-ground lands within the proposed Monument boundary. The Monument's above-ground lands in the Siskiyou Mountains possess a beauty and diversity that is unique in America, and indeed the world. The Oregon Caves National Monument's approximately 500 plants, 5,000 animals, 2,000 fungi, and over a million bacteria per acre that make the spot have one of the highest concentrations of biological diversity anywhere.

Expanding the Monument's boundary will also preserve the caves' resources by protecting the water that enters the cave. By granting the National Park Service the ability to safeguard these resources, and by providing for a voluntary donation of grazing permits, my legislation will be able to better protect these resources. Over the decades, the number of allowed livestock has diminished, but the livestock still has an impact on the drinking water supply and the water quality of this natural gem. The current grazing permitee, Phil Krouse's family, has had the Big Grayback Grazing Allotment, 19,703 acre, since 1937. Mr. Krouse has publicly stated that he would look favorably upon retirement with private compensation for his allotment, which my legislation will allow to proceed.

The second bill I am introducing is the Devil's Staircase Wilderness Act of 2011, which designates approximately 30,540 acres surrounding the Wasson Creek area as Wilderness. Devil's Staircase personifies what Wilderness in Oregon is all about. It is rugged, wild, pristine and remote. So rugged, in fact, that land managers have repeatedly withdrawn this landslide-prone forest from all timbering activity and intrepid hikers must follow elk and deer trails and keep a sharp eye on a compass. The proposed Devil's Staircase Wilderness is the finest old-growth forest remaining in Oregon's Coast Range, boasting huge Douglas-fir, cedar and hemlock and a wealth of threatened and endangered species. Wildlife include threatened marbled murrelets and the highest density of Northern Spotted Owls in the coastal mountains.

My proposal would not only protect the forests surrounding Wasson Creek but would also designate approximately 4.5 miles of Franklin Creek and approximately 10.1 miles of Wasson Creek as Wild and Scenic Rivers. Franklin Creek, a critically important tributary to the Umpqua River, is one of the best examples of pristine salmon habitat left in Oregon. Together with Wasson Creek, these two streams in the Devil's Staircase area deserve Wild and Scenic River designation by Congress.

The ecological significance of this treasure is apparent. The land is protected as a Late-Successional Reserve by the Northwest Forest Plan, as critical habitat for the northern spotted owl, and as an Area of Critical Environmental Concern by the Bureau of Land Management. Preserving these majestic forests as Wilderness for their wildlife and spectacular scenery matches the goals of the existing land management plans. I look forward to protecting this gem for future generations.

For over a decade, I've advocated for protections for the Chetco and other threatened waterways in Southwest Oregon. I'm reintroducing a third piece of legislation today that would continue that effort. The Chetco River Protection Act of 2011 would withdraw about three miles of the Chetco River from mineral entry, while upgrading the designations for some portions.

This river is under immediate threat from out-of-state suction dredge miners. The group American Rivers said last year that the Chetco was the seventh most endangered river in the country because of those threats. This is a river that is hugely important for salmon habitat and local sport fishing. The passage of this legislation would mean protecting that habitat, and promoting the continued success of the fishing industry throughout the West Coast.

Withdrawing these portions of the river from future mineral entry will prevent future harmful mining claims and make sure that those claims that already exist are valid I am pleased the Obama administration has taken some steps to protect this area, but the passage of this legislation is needed to ensure long-term protection for this important river.

Finally, I want to express my thanks to the conservation, recreation and business communities of Southern and Coastal Oregon, and Phil Krouse for his strong conservation ethic. All of them have worked diligently to protect these special places. I look forward to working with Senator MERKLEY, Representative DEFAZIO, and other colleagues and the bill's other supporters to keep up the fight for these unique places in Oregon and get these pieces of legislation to the President's desk for his signature.

By Mr. HARKIN:

S. 767. A bill to improve the calculation of, the reporting of, and the accountability for, secondary school graduation rates; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, in today's rapidly changing, global knowledge-based economy, making sure that all students graduate from high school is more important than ever. A high school diploma opens the doors to post-secondary education and workforce development programs, which lead to jobs that pay family-sustaining wages. The bottom line is that a high school diploma is no longer an option—it is an essential education credential that all Americans need to have in order to successfully compete in the workforce. Yet, for far too many, a high school diploma is still out of reach. According to researchers at Johns Hopkins University, one out of every three students who enters the ninth grade fails to graduate from high school within 4 years. An estimated 12 million students will drop out of school during the next decade, costing the Nation more than $3 trillion in forgone revenues and increased social service costs.

When Congress passed the No Child Left Behind Act in 2001, we required that accountability determinations for high schools include graduation rates. However, the law did not require States to use a common formula for calculating graduation rates nor did it set graduation rate goals for high schools. As a result, states created different calculations that have led to inconsistent and inaccurate reporting of

graduation rates. Without transparency, we cannot know the full extent of our Nation's dropout crisis, hold schools accountable, or design effective solutions.

That is why I am pleased to introduce the Every Student Counts Act, which my colleague Rep. BOBBY SCOTT will introduce in the House today. This legislation will ensure the accurate calculation and reporting of high school graduation rates, and will hold States, districts, and schools accountable for ensuring that all students graduate with a high school diploma.

The Every Student Counts Act builds upon steps taken by all 50 States and the Department of Education to ensure more accurate calculations of and reporting of high school graduation rates.

Four years into the implementation of the No Child Left Behind Act, State leaders recognized the need for consistent graduation rate calculations and governors from all 50 States joined together in 2005 to call for a uniform graduation rate across the States. This leadership from the States was crucial in calling attention to the problem of inaccurate graduation rate calculations and formed the basis for action. In 2008, the U.S. Department of Education built on the governors' laudable work and issued regulations that require states to use a single, accurate graduation rate calculation and to set graduation rate goals and annual growth targets.

The 2008 regulations were an important step in the right direction, but they need to be improved and codified so that states, districts, and schools no longer have to rely solely on regulations that could be reversed. The Every Student Counts Act codifies key pieces of the regulations while making improvements where necessary. Specifically, this act sets a uniform graduation rate goal of 90 percent and requires schools that do not meet this goal to improve their graduation rate annually by three percentage points. Additionally, this act builds upon the States' and the Department of Education's graduation rate calculation work by giving credit to schools for students who graduate in more than 4 years through a cumulative graduation rate calculation, while maintaining the expectation that all students graduate within 4 years.

This legislation will bring transparency and accountability to schools across the Nation to help them provide all students with the high school diploma they need to have a chance to succeed in postsecondary education and the global economy.

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. 767

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 ''Every Student Counts Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In order for the United States to retain a competitive edge in the world economy, it is essential that youth in the United States be prepared for the jobs of today and for the jobs of the future. Such jobs increasingly require postsecondary education, and according to a 2008 Department of Labor report, almost 90 percent of the fastest growing and best paying jobs require some postsecondary education.

(2) Individuals without a regular secondary school diploma experience higher rates of unemployment, incarceration, poverty, and receipt of public assistance than individuals with a regular secondary school diploma.

(3) According to the 2009 Center for Public Education report ''Better late than never? Examining late high school graduates'', on-time graduation with a regular secondary school diploma leads to the best outcomes for students, but students who graduate late with a regular secondary school diploma are still more likely to earn an associate or a baccalaureate degree, to be employed full-time, and to obtain a job with retirement benefits and health insurance than are either students who drop out of secondary school or students who receive a GED.

(4) About 1,300,000 secondary school students, which is approximately ⅓ of all secondary school students in the United States, fail to graduate with their peers every year. According to the Department of Education, the United States secondary school graduation rate is only 75 percent.

(5) The graduation rates for historically disadvantaged minority groups are far lower than that of their White peers. Little more than half of all African-American and Hispanic students finish secondary school on time with a regular secondary school diploma, while more than ¾ of White students finish secondary school on time with a regular secondary school diploma.

(6) Nearly 2,000 secondary schools (about 12 percent of all secondary schools in the United States) produce about half of the Nation's secondary school dropouts. In these schools, the number of seniors is routinely 60 percent or less than the number of freshmen 3 years earlier. While 34 percent of the Nation's African-American students and nearly 28 percent of Latino students attend these ''dropout factories'', only 16 percent of White students do.

(7) The average gap between State-reported graduation rates and independently-reported graduation rates is approximately 11 percent.

(8) In 2005, all 50 of the Nation's Governors signed the National Governors Association's Graduation Rate Compact, pledging to use a common, accurate graduation rate.

(9) In 2008, the Secretary of Education released final regulations that also require States to report a common graduation rate calculation. However, since the Department of Education did not specify in the regulations what graduation rate goals and growth targets are appropriate and how States should include 4-year rates and extended year rates in calculating adequate yearly progress, it is necessary to clarify these goals, targets and rates in order to create a meaningful Federal accountability system for secondary schools.

(10) State-set targets to make adequate yearly progress under the Secretary of Education's 2008 regulations are numerous in type and varied in aggressiveness. Twenty-eight States have set a graduation rate goal of less than 90 percent. At least 8 States have set status targets that do not take into consideration progress toward the State-set goal. Furthermore, only 2 of the 9 States that include extended year rates in measures of adequate yearly progress do so in a way that places a priority on graduating students within 4 years.

(11) The most accurate graduation rate calculations rely on high-quality longitudinal data systems that track individual student data from the time a student enters kindergarten through the time such student finishes 12th grade. Forty-eight States plan to have data systems that will provide secondary school data that will allow such States to use the graduation rate formula specified in the Department of Education's 2008 final regulations not later than the 2011-2012 school year.

(12) An accountability system with meaningful graduation rate goals—

(A) holds schools, school districts, and States responsible for both student achievement and outcomes; and

(B) ensures that low-performing students are not unnecessarily held back or encouraged to leave school without a diploma.

(13) Prior to the 2008 regulations, the amendments to the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) made by the No Child Left Behind Act of 2001 (Public Law 107–110) did not require consistent calculations, meaningful goals, or disaggregation of graduation rates. Without clear guidance from the Department of Education, most secondary schools can continue to make adequate yearly progress by making as little as 0.1 percent improvement or less in secondary school graduation rates each year and can do so with a consistent, or even growing, secondary school graduation gap among subgroups of students.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to require consistent calculations and reporting of secondary school graduation rates across schools, school districts, and States;

(2) to provide educators with critical information about student progress toward secondary school graduation; and

(3) to ensure meaningful accountability for the improvement of secondary school graduation rates for all students, particularly for poor and minority students.

SEC. 4. SECONDARY SCHOOL GRADUATION RATES.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1111 (20 U.S.C. 6311) the following:

"SEC. 1111A. SECONDARY SCHOOL GRADUATION RATES.

''(a) DEFINITIONS.—In this section:

''(1) ADJUSTED COHORT; ENTERING COHORT; TRANSFERRED INTO; TRANSFERRED OUT.—

''(A) ADJUSTED COHORT.—Subject to subparagraphs (D)(ii) through (G), the term 'adjusted cohort' means the difference of—

''(i) the sum of—

''(I) the entering cohort; plus

''(II) any students that transferred into the cohort in any of grades 9 through 12; minus

''(ii) any students that are removed from the cohort as described in subparagraph (E).

''(B) ENTERING COHORT.—The term 'entering cohort' means the number of first-time 9th graders enrolled in the secondary school 1 month after the start of the secondary school's academic year.

''(C) TRANSFERRED INTO.—The term 'transferred into' when used with respect to a secondary school student, means a student who—

''(i) was a first-time 9th grader during the same school year as the entering cohort; and

''(ii) enrolls after the entering cohort is calculated as described in subparagraph (B).

''(D) TRANSFERRED OUT.—

''(i) IN GENERAL.—The term 'transferred out' when used with respect to a secondary school student, means a student who the secondary school or local educational agency has confirmed has transferred—

''(I) to another school from which the student is expected to receive a regular secondary school diploma; or

''(II) to another educational program from which the student is expected to receive a regular secondary school diploma.

''(ii) CONFIRMATION REQUIREMENTS.—

''(I) DOCUMENTATION REQUIRED.—The confirmation of a student's transfer to another school or educational program described in clause (i) requires documentation from the receiving school or program that the student enrolled in the receiving school or program.

''(II) LACK OF CONFIRMATION.—A student who was enrolled, but for whom there is no confirmation of the student having transferred out, shall remain in the cohort as a nongraduate for reporting and accountability purposes under this section.

''(iii) PROGRAMS NOT PROVIDING CREDIT.—A student enrolled in a GED or other alternative educational program that does not issue or provide credit toward the issuance of a regular secondary school diploma shall not be considered transferred out.

''(E) COHORT REMOVAL.—To remove a student from a cohort, a school or local educational agency shall require documentation to confirm that the student has transferred out, emigrated to another country, or is deceased.

''(F) TREATMENT OF OTHER LEAVERS AND WITHDRAWALS.—A student who was retained in a grade, enrolled in a GED program, aged-out of a secondary school or secondary school program, or left secondary school for any other reason, including expulsion, shall not be considered transferred out, and shall remain in the adjusted cohort.

''(G) SPECIAL RULE.—For those secondary schools that start after grade 9, the entering cohort shall be calculated 1 month after the start of the secondary school's academic year in the earliest secondary school grade at the secondary school.

''(2) ALTERNATIVE EDUCATIONAL SETTING.—The term 'alternative educational setting' means—

''(A) a secondary school or secondary school educational program that—

''(i) is designed for students who are under-credited or have dropped out of secondary school; and

''(ii) awards a regular secondary school diploma; or

''(B) a secondary school or secondary school educational program designed to issue a regular secondary school diploma concurrently with a postsecondary degree or not more than 2 years of postsecondary education credit.

''(3) CUMULATIVE GRADUATION RATE.—The term 'cumulative graduation rate' means, for each school year, the percent obtained by calculating the product of—

''(A) the result of—

''(i) the sum of—

''(I) the number of students who—

''(aa) form the adjusted cohort; and

''(bb) graduate in 4 years or less with a regular secondary school diploma (which shall not include a GED or other certificate of completion or alternative to a diploma except as provided in paragraph (6)(B)); plus

''(II) the number of additional students from previous cohorts who graduate in more than 4 years with a regular secondary school diploma (which shall not include a GED or other certificate of completion or alternative to a diploma except as provided in paragraph (6)(B)); divided by

''(ii) the sum of—

''(I) the number of students who form the adjusted cohort for that year's graduating class; plus

''(II) the number of additional student graduates described in clause (i)(II); multiplied by

''(B) 100.

''(4) 4-YEAR ADJUSTED COHORT GRADUATION RATE.—The term '4-year adjusted cohort graduation rate' means the percent obtained by calculating the product of—

''(A) the result of—

''(i) the number of students who—

''(I) formed the adjusted cohort 4 years earlier; and

''(II) graduate in 4 years or less with a regular secondary school diploma (which shall not include a GED or other certificate of completion or alternative to a diploma except as provided in paragraph (6)(B)); divided by

''(ii) the number of students who formed the adjusted cohort for that year's graduating class 4 years earlier; multiplied by

''(B) 100.

''(5) ON-TRACK STUDENT.—The term 'on-track student' means a student who—

''(A) has accumulated the number of credits necessary to be promoted to the next grade, in accordance with State and local educational agency policies;

''(B) has a 90 percent or higher school attendance rate;

''(C) has failed not more than 1 semester in English or language arts, mathematics, science, or social studies; and

''(D) has failed not more than any 2 credit-bearing courses.

''(6) REGULAR SECONDARY SCHOOL DIPLOMA.—

''(A) IN GENERAL.—The term 'regular secondary school diploma' means the standard secondary school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma. Such term shall not include GEDs, certificates of attendance, or any lesser diploma award.

''(B) SPECIAL RULE.—For a student who has a significant cognitive disability and is assessed using an alternate assessment aligned to an alternate achievement standard, receipt of a regular secondary school diploma or a State-defined alternate diploma aligned with completion of the student's right to a free and appropriate public education under the Individuals with Disabilities Education Act shall be counted as graduating with a regular secondary school diploma for the purposes of this section, except that not more than 1 percent of students served by the State or local educational agency, as appropriate, shall be counted as graduates with a regular secondary school diploma under this subparagraph.

''(7) UNDER-CREDITED STUDENT.—The term 'under-credited student' means a secondary school student who is a year or more behind in the expected accumulation of credits or courses toward an on-time graduation as determined by the relevant local educational agency's and State educational agency's secondary school graduation requirements for an on-time graduation.

''(b) CALCULATING AND REPORTING ACCURATE GRADUATION RATES.—

''(1) CALCULATING GRADUATION RATES.—Not later than school year 2011–2012, and every school year thereafter, each State educational agency and local educational agency that is assisted under this part shall calculate, using a statewide longitudinal data system with individual student identifiers for each school served by the State or local educational agency, as the case may be—

''(A) the 4-year adjusted cohort graduation rate; and

''(B) the cumulative graduation rate.

''(2) CALCULATION AT SCHOOL, LEA, AND STATE LEVELS; DISAGGREGATION AND CROSS TABULATION.—The 4-year adjusted cohort graduation rate and the cumulative graduation rate shall be calculated at the school, local educational agency, and State levels in the aggregate and disaggregated and cross tabulated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, and made public, except that such disaggregation or cross tabulation shall not be required in a case in which the number of students in a subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

''(3) STATEWIDE EXIT CODES.—Not later than 1 year after the enactment of the Every Student Counts Act, each State that receives funds under this subpart shall—

''(A) design a statewide exit code system, in consultation with local educational agencies;

''(B) require all local educational agencies to use the statewide exit code system; and

''(C) provide technical assistance and support to local educational agencies to assist such agencies with the implementation of the statewide exit code system.

''(4) REPORTING GRADUATION RATES.—Subject to paragraph (5), not later than school year 2011–2012, and every school year thereafter, each State that is assisted under this part shall ensure that the State, all local educational agencies in the State, and all secondary schools in the State report annually, as part of the State and local educational agency report cards required under section 1111(h), each of the following:

''(A) 4-YEAR ADJUSTED COHORT GRADUATION RATE.—The 4-year adjusted cohort graduation rate, in the aggregate and disaggregated by each of the subgroups described in paragraph (2).

''(B) 4-YEAR ADJUSTED COHORT SIZE AND 4-YEAR GRADUATES.—The final number of students in the 4-year adjusted cohort and the total number of 4-year graduates in the aggregate and disaggregated by each of the subgroups described in paragraph (2).

''(C) CUMULATIVE GRADUATION RATE.—The cumulative graduation rate, in the aggregate and disaggregated by each of the subgroups described in paragraph (2).

''(D) NUMBER AND PERCENTAGE OF STUDENTS GRADUATING IN MORE THAN 4 YEARS.—The number and percentage of secondary school students graduating in more than 4 years with a regular secondary school diploma as described in subsection (a)(3)(A)(i)(II), disaggregated by the number of years it took the students to graduate and by each of the subgroups described in paragraph (2).

''(E) NUMBER AND PERCENTAGE OF STUDENTS REMOVED FROM COHORT.—The number and percentage of secondary school students who have been removed from the 4-year adjusted cohort by exit code (as described in subsection (b)(3)), in the aggregate and disaggregated by each of the subgroups described in paragraph (2).

''(F) NUMBER AND PERCENTAGE OF CONTINUING STUDENTS.—The number and percentage of students from each previous adjusted cohort that began 4 years or more earlier who have not graduated from and are still enrolled in secondary school.

''(5) USE OF INTERIM GRADUATION RATE.—In the case of a State that does not have an individual student identifier longitudinal data system, with respect to each graduation rate calculation or reporting requirement under this section, the State and local educational

agencies and secondary schools in the State shall temporarily carry out this section by using an interim graduation rate calculation that meets the following conditions:

''(A) NUMBER OF GRADUATES COMPARED TO NUMBER OF STUDENTS.—The calculation shall measure or estimate the number of secondary school graduates compared to the number of students in the secondary school's entering grade.

''(B) DROPOUT DATA.—The calculation shall not use dropout data.

''(C) REGULAR SECONDARY SCHOOL DIPLOMA.—The calculation shall count as graduates only those students who receive a regular secondary school diploma.

''(D) DISAGGREGATION.—The calculation shall be disaggregated by each of the subgroups described in paragraph (2).

''(E) ANNUAL BASIS AND RATE OF GROWTH.—The calculation shall be used on an annual basis to determine a rate of growth, as described in subsection (c).

''(F) TIMEFRAME LIMITATION.—The interim graduation rate calculation may only be used through the end of school year 2012–2013.

''(G) REPORTING USE OF INTERIM GRADUATION RATE.—Each State that receives assistance under this part and does not have an individual student identifier longitudinal data system shall describe in the State's plan submitted under section 1111 the interim graduation rate used in accordance with this paragraph.

''(6) REPORTING ON ALTERNATIVE SETTINGS.—Not later than school year 2011–2012, and every school year thereafter, each State educational agency and local educational agency that receives assistance under this part and contains an alternative education setting that establishes an alternative 4-year completion requirement as described in subsection (c)(4)(C)(iii), shall report annually as part of the State and local educational agency report cards required under section 1111(h), the following:

''(A) The name of each alternative education setting that establishes an alternative 4-year completion requirement as described in subsection (c)(4)(C)(iii).

''(B) A description of the program provided at each setting and the population served.

''(C) The enrollment of such settings in the aggregate and disaggregated by each of the subgroups described in paragraph (2), including as a percent of overall enrollment.

''(D) Whether the setting is a new school or setting.

''(E) The alternative 4-year completion requirement as described in subsection (c)(4)(C)(iii).

''(7) REPORTING PERCENT OF ON-TRACK STUDENTS.—Not later than school year 2011–2012, and every school year thereafter, each State educational agency, local educational agency, and school that receives assistance under this part shall report annually, as part of the State and local educational agency report cards required under section 1111(h), the percent of on-track students for each secondary school grade served by the State educational agency, local educational agency, and school, respectively, other than the graduating grade for the secondary school, in the aggregate and disaggregated by each of the subgroups described in paragraph (2).

''(8) REPORTING ADDITIONAL INDICATORS.—

''(A) IN GENERAL.—A State may report additional complementary indicators of secondary school completion, such as—

''(i) a college-ready graduation rate;

''(ii) a dropout rate;

''(iii) in-grade retention rates;

''(iv) percentages of students receiving GEDs, certificates of completion, or alternatives to a diploma;

''(v) average attendance rates in the aggregate and disaggregated by each of the subgroups described in paragraph (2); and

''(vi) in the case of a State with exit examinations, students who have completed course requirements but failed a State examination required for secondary school graduation.

''(B) DEFINITIONS FOR INDICATORS.—The Secretary shall promulgate and publish in the Federal Register regulations containing definitions for the indicators described in clauses (i), (ii), and (iii) of subparagraph (A) that are consistent with the definitions used by the National Center for Educational Statistics, in order to ensure that the indicators are comparable across schools and school districts within a State.

''(C) PROHIBITION.—For purposes of reporting or accountability under this section, the additional indicators shall not replace the 4-year adjusted cohort graduation rate or the cumulative graduation rate.

''(D) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to prohibit a State from reporting indicators of secondary school completion that are not described in subparagraph (A).

''(9) DATA ANOMALIES.—

''(A) IN GENERAL.—When an individual student record indicates a student was enrolled in more than 1 secondary school or a student record shows enrollment in a secondary school but no subsequent information, such student record shall be assigned to 1 adjusted cohort for the purposes of calculating and reporting school, local educational agency, and State 4-year adjusted cohort graduation rates and cumulative graduation rates under this subsection.

''(B) SPECIAL RULE.—A student who returns to secondary school after dropping out of secondary school, or receives a diploma from more than 1 school or educational program served by any 1 local educational agency, shall be counted—

''(i) only once for purposes of reporting and accountability under this section; and

''(ii) as part of the student's original adjusted cohort.

''(10) MONITORING OF DATA COLLECTION.—Each State that receives assistance under this part shall conduct regular audits of the data collection, use of exit codes (as described in subsection (b)(3)), reporting, and calculations that are carried out by local educational agencies in the State. The Secretary shall assist States in their efforts to develop and retain the capacity for collection, analysis, and public reporting of 4-year adjusted cohort graduation rate and cumulative graduation rate data.

''(c) SCHOOL, LOCAL EDUCATIONAL AGENCY, AND STATE ACCOUNTABILITY.—

''(1) GRADUATION RATE GOAL.—Each State that receives assistance under this part shall—

''(A) seek to have all students graduate from secondary school prepared for success in college and career; and

''(B) meet the graduation rate goal as described in this subsection.

''(2) GRADUATION RATE CALCULATION.—Each State that receives assistance under this part shall use aggregate and disaggregated 4-year adjusted cohort graduation rates or cumulative graduation rates as the additional indicator described in section 1111(b)(2)(C)(vi) for the purposes of determining each secondary school's and local educational agency's adequate yearly progress.

''(3) MEETING GRADUATION RATE GOAL.—In order to meet the graduation rate goal, a State, local educational agency, or school shall demonstrate that it has a 4-year adjusted cohort graduation rate or a cumulative graduation rate above 90 percent in the aggregate and for all subgroups described in subsection (b)(2).

''(4) ANNUAL MEASURABLE OBJECTIVES.—The Secretary shall require a State, local educational agency, or school that receives assistance under this part and that has not met the graduation rate goal in the aggregate or for any subgroup described in subsection (b)(2) to increase the 4-year adjusted cohort graduation rate or the cumulative graduation rate, in the aggregate or for such subgroup, respectively, in order to make adequate yearly progress under section 1111(b)(2), as follows:

''(A) BASELINE FOR 4-YEAR ADJUSTED COHORT AND CUMULATIVE GRADUATION RATES.—

''(i) IN GENERAL.—Subject to subparagraph (B), the 4-year adjusted cohort graduation rate calculated and reported in accordance with this section for the first school year that begins after the date of enactment of the Every Student Counts Act shall serve as the baseline 4-year adjusted cohort graduation rate and the cumulative graduation rate calculated and reported in accordance with this section for such first school year shall serve as the baseline cumulative graduation rate.

''(ii) ANNUAL GROWTH.—Each school year after the baseline year described in clause (i), 4-year adjusted cohort graduation rates and cumulative graduation rates calculated at the school, local educational agency, and State levels in the aggregate and disaggregated by each subgroup described in subsection (b)(2) shall be evaluated for annual growth in accordance with subparagraph (C).

''(B) BASELINE ADJUSTMENT.—In the case of a State that uses an interim graduation rate, after the State has implemented an individual student identifier longitudinal data system and can calculate the 4-year adjusted cohort graduation rate and the cumulative graduation rate, but not later than the 2013–2014 school year, the State shall use the cumulative graduation rate as the baseline graduation rate for reporting and accountability under this section.

''(C) ANNUAL GROWTH.—

''(i) IN GENERAL.—In order for a State, local educational agency, or school to make adequate yearly progress under section 1111(b)(2), the State, local educational agency, or school, respectively, shall demonstrate increases in the 4-year adjusted cohort graduation rate from the baseline 4 year adjusted cohort graduation rate or increases in the cumulative graduation rate from the baseline cumulative graduation rate, in the aggregate and for each subgroup described in subsection (b)(2), by an average of 3 percentage points per school year, until the 4-year adjusted cohort graduation rate or the cumulative graduation rate, in the aggregate and for each such subgroup, equals or exceeds 90 percent.

''(ii) AYP NOT MADE.—A secondary school shall not be considered to have made adequate yearly progress under section 1111(b)(2) if—

''(I) the school's 4-year adjusted cohort graduation rate, in the aggregate or for any subgroup described in subsection (b)(2), falls below the initial baseline 4-year adjusted cohort over a 4-year period; or

''(II) fewer than 90 percent of the students included in the cumulative graduation rate, in the aggregate or for any subgroup described in subsection (b)(2), are students who graduate from secondary school in 4 years.

''(iii) ALTERNATIVE 4-YEAR COMPLETION REQUIREMENT.—Notwithstanding clause (ii), a secondary school or secondary school educational program that is an alternative education setting may apply to the State for a waiver of the requirement in clause (ii) that at least 90 percent of the students included

in the cumulative graduation rate, in the aggregate or for any subgroup described in subsection (b)(2), are students who graduate from secondary school in 4 years if—

''(I) the secondary school or educational program submits to the State—

''(aa) a description of the secondary school or educational program; and

''(bb) an alternative 4-year completion requirement; and

''(II) the State approves the use of the alternative 4-year completion requirement for such purposes.

''(5) DELAYED APPLICABILITY TO SCHOOLS.—Paragraphs (2), (3), and (4)(C) shall not apply to a secondary school until the beginning of school year 2012–2013 or, in the case of a State using an interim rate, shall not apply to a secondary school until the first school year after such State adjusts its baseline graduation rate as described in paragraph (4)(B).

''(d) REPORTING REQUIREMENT.—Not later than 90 days after the date of enactment of the Every Student Counts Act, and annually thereafter, each State educational agency that receives assistance under this part shall submit to the Secretary, and make publicly available, a report on the implementation of this section. Such report shall include—

''(1) a description of each category, code, exit code, and the corresponding definition that the State has authorized for identifying, tracking, calculating, and publicly reporting student status;

''(2) if using an interim graduation rate pursuant to subsection (b)(5), a description of the efforts of the State to implement the 4-year adjusted cohort graduation rate and the cumulative graduation rate and the expected date of implementation, which date shall be not later than the school year 2013–2014; and

''(3) a description of waivers granted in the State under subsection (c)(4)(C)(iii), which shall include—

''(A) the total number of waivers granted in the State under subsection (c)(4)(C)(iii);

''(B) a description of each waiver granted;

''(C) the number of students who are enrolled in secondary schools or secondary school education programs receiving such waivers; and

''(D) the cumulative graduation rates of the secondary schools or secondary school education programs receiving such waivers.''

SEC. 5. AYP CONFORMING AMENDMENTS.

Section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)) is amended—

(1) in clause (vi), by striking ''and'' after the semicolon;

(2) in clause (vii), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(viii) complies with the requirements of section 1111A.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 135—REMEMBERING THE 1 YEAR ANNIVERSARY OF THE APRIL 10, 2010, PLANE CRASH THAT CLAIMED THE LIVES OF THE PRESIDENT OF POLAND LECH KACZYNSKI, HIS WIFE, AND 94 OTHERS, WHILE THEY WERE EN ROUTE TO MEMORIALIZE THOSE POLISH OFFICERS, OFFICIALS, AND CIVILIANS WHO WERE MASSACRED BY THE SOVIET UNION IN 1940

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 135

Whereas on April 10, 2010, the President of the Republic of Poland Lech Kaczynski, his wife Maria, and a cadre of current and former Polish statesmen, military officers, family members, and others departed Warsaw by plane to travel to the Russian region of Smolensk;

Whereas the purpose of the delegation's visit was to hold a ceremony in solemn remembrance of the more than 22,000 Polish military officers, police officers, judges, other government officials, and civilians who were executed by the Soviet secret police, the ''NKVD'', between April 3 and the end of May 1940;

Whereas more than 14,500 Polish victims of such executions have been documented at 3 sites in Katyn (in present day Belarus), in Miednoye (in present day Russia), and in Kharkiv (in present day Ukraine), while the remains of an estimated 7,000 such Polish victims have yet to be precisely located;

Whereas the plane carrying the Polish delegation on April 10, 2010, crashed in Smolensk, tragically killing all 96 persons on board;

Whereas Poland has been a leading member of the transatlantic community and the North Atlantic Treaty Organization (NATO), an Alliance vital to the interests of the United States, and Poland's membership in the Alliance has strengthened NATO;

Whereas the Polish armed forces have stood shoulder-to-shoulder and sacrificed with airmen, marines, sailors, and soldiers of the United States in Iraq, Afghanistan, the Balkans, and around the world;

Whereas Poland has been a leader in the promotion of human rights, not just in Central Europe, but elsewhere around the world; and

Whereas the deep friendship between the governments and people of Poland and the United States is grounded in our mutual respect, shared values, and common priorities on nuclear nonproliferation, counterterrorism, human rights, regional cooperation in Eastern Europe, democratization, and international development: Now, therefore, be it

Resolved, That the Senate—

(1) remembers the terrible tragedy that took place on April 10, 2010, when an aircraft carrying a delegation of current and former Polish officials, family members, and others crashed en route from Warsaw to Smolensk to memorialize the 1940 Katyn massacres, killing all 96 passengers;

(2) honors the memories of all Poles executed by the NKVD at Katyn, Miednoye, Khakriv, and elsewhere and those who perished in the April 10, 2010, plane crash;

(3) expresses continuing sympathy for the surviving family members of those who perished in the tragic plane crash of April 10, 2010;

(4) recognizes and respects the resilience of Poland's constitution, as demonstrated by the smooth and stable transfer of constitutional authority that occurred in the immediate aftermath of the April 10, 2010, tragedy; and

(5) requests that the Secretary of the Senate transmit an enrolled copy of this resolution to the Ambassador of Poland to the United States.

SENATE RESOLUTION 136—TO AUTHORIZE DOCUMENT PRODUCTION IN UNITED STATES V. DOUGLAS D. HAMPTON (D.D.C.)

Mr. REID of Nevada (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 136

Whereas, in the case of *United States* v. *Douglas D. Hampton*, Crim. No. 11–085 (D.D.C.), pending in the United States District Court for the District of Columbia, documents that have been produced to the United States Department of Justice by offices of the Senate in earlier related proceedings may be needed for use in this proceeding;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that records that have been produced by offices of the Senate in connection with investigation by the Department of Justice are authorized to be used in the case of *United States* v. *Douglas D. Hampton* and any related proceedings.

SENATE RESOLUTION 137—SUPPORTING THE GOALS AND IDEALS OF TAKE OUR DAUGHTERS AND SONS TO WORK DAY

Mr. BURR (for himself, Ms. LANDRIEU, Mrs. HUTCHISON, and Mrs. HAGAN) submitted the following resolution; which was considered and agreed to:

S. RES. 137

Whereas the Take Our Daughters To Work Day program was created in New York City as a response to research that showed that, by the 8th grade, many girls were dropping out of school, had low self-esteem, and lacked confidence;

Whereas, in 2003, the name of the program was changed to ''Take Our Daughters and Sons To Work Day'' so that boys who face many of the same challenges as girls could also be involved in the program;

Whereas the mission of the program, to develop ''innovative strategies that empower girls and boys to overcome societal barriers to reach their full potential'', now fully reflects the addition of boys;

Whereas the Take Our Daughters and Sons To Work Foundation, a nonprofit organization, has grown to become 1 of the largest public awareness campaigns, with more than 33,000,000 participants annually in more than 3,000,000 organizations and workplaces in every State;

Whereas, in 2007, the Take Our Daughters To Work program transitioned to Elizabeth City, North Carolina, became known as the Take Our Daughters and Sons To Work Foundation, and received national recognition for the dedication of the Foundation to future generations;

Whereas every year, mayors, governors, and other private and public officials sign proclamations and lend their support to Take Our Daughters and Sons To Work;

Whereas the fame of the Take Our Daughters and Sons To Work program has spread overseas, with requests and inquiries being made from around the world on how to operate the program;

Whereas Take Our Daughters and Sons to Work Day will be observed on Thursday, April 28, 2011; and

Whereas Take Our Daughters and Sons To Work is intended to continue helping millions of girls and boys on an annual basis

through experienced activities and events to examine their opportunities and strive to reach their fullest potential: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the goals of introducing our daughters and sons to the workplace; and

(2) commends all the participants in Take Our Daughters and Sons To Work for their ongoing contributions to education, and for the vital role the participants play in promoting and ensuring a brighter, stronger future for the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 287. Mr. BROWN of Massachusetts (for himself, Ms. AYOTTE, Mrs. HAGAN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 341, to require the rescission or termination of Federal contracts and subcontracts with enemies of the United States; which was ordered to lie on the table.

SA 288. Mr. BROWN of Massachusetts (for himself, Ms. AYOTTE, Mrs. HAGAN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 341, supra; which was ordered to lie on the table.

SA 289. Mr. CARPER (for himself, Mr. VITTER, and Mr. COBURN) 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.

TEXT OF AMENDMENTS

SA 287. Mr. BROWN of Massachusetts (for himself, Ms. AYOTTE, Mrs. HAGAN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 341, to require the rescission or termination of Federal contracts and subcontracts with enemies of the United States; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''No Contracting with the Enemy Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ''element of the intelligence community'' means an element of the intelligence community specified or designated in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) ENEMY OF THE UNITED STATES.—The term ''enemy of the United States'' means any person or organization determined by the Secretary of Defense or the Secretary of State to be hostile to United States forces or interests or providing support to any person or organization hostile to United States forces or interests during the time of a declared war, peacekeeping operation, or other military or contingency operation.

(3) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given the term in section 133 of title 41, United States Code.

(4) FEDERAL ACQUISITION REGULATION.—The term ''Federal Acquisition Regulation'' means the regulation maintained under section 1303(a)(1) of title 41, United States Code.

(5) FEDERAL CONTRACT.—The term ''Federal contract'' means any contract, including any order under a multiple award or indefinite delivery or indefinite quality contract, entered into by an executive agency for the procurement of property or services (including construction).

(6) COOPERATIVE AGREEMENT.—The term ''cooperative agreement'' has the meaning given the term pursuant to section 6305 of title 31, United States Code.

(7) GRANT.—The term ''grant'' has the meaning given the term pursuant to section 6304 of title 31, United States Code.

SEC. 3. PROHIBITION ON CONTRACTS, COOPERATIVE AGREEMENTS, OR GRANTS WITH ENEMIES.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation and the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall prescribe regulations or other guidance, as appropriate—

(1) to provide the authority to restrict the award of Federal contracts, cooperative agreements, or grants to enemies of the United States;

(2) to void any Federal contract, cooperative agreement, or grant with an enemy of the United States immediately at no cost to the United States Government, including any settlement costs or equitable adjustments to the prime or subcontractor, or any other compensation under other contract provision or provision of law;

(3) to provide that the head of an executive agency may provide for an adjudication process to balance restricting the award of, or voiding of, a contract, cooperative agreement, or grant, against operational mission needs of the agency;

(4) to require the contracting official or cooperative agreements or grants official, as the case may be to ensure no further payments, including previously approved payments and compensation, are made to the contractor or grantee; and

(5) to provide that the head of an executive agency shall have access to prime contractor and subcontractor records to facilitate Federal oversight of the obligation or expenditure of funds under contracts, cooperative agreements, and grants.

(b) PROHIBITION ON SUBCONTRACTS.—The regulations prescribed under subsection (a) shall prohibit the awarding of subcontracts under a Federal contract, cooperative agreement, or grant to enemies of the United States, and shall include the following requirements:

(1) Federal contracts, cooperative agreements, and grants shall include a contract clause prohibiting the use of a subcontractor at any tier under the contract, cooperative agreement, or grant that is an enemy of the United States.

(2) If the head of an executive agency determines that a prime contractor has subcontracted at any tier under a Federal contract, cooperative agreement, or grant with a contractor that is an enemy of the United States, the contracting official or cooperative agreements or grants official, as the case may be, shall—

(A) direct the prime contractor to terminate the subcontract immediately with no further payment or compensation to the subcontractor;

(B) notify the prime contractor that failure to terminate the subcontract shall be grounds for default on the prime contract, cooperative agreement, or grant; and

(C) take all necessary actions to ensure that no further payments, including previously approved payments and compensation are made to the subcontractor.

(c) INTELLIGENCE COMMUNITY AND NATIONAL SECURITY EXCEPTION.—The prohibitions under subsections (a) and (b) shall not apply to contracts, cooperative agreements, or grants entered into by elements of the intelligence community in support of intelligence activities or any other contract, cooperative agreement, or grant where national security may be compromised.

(d) MONITORING OF RESCINDED OR VOIDED CONTRACTS, COOPERATIVE AGREEMENTS, OR GRANTS.—Not later than 90 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall direct the Administrator of General Services to add a field to the Federal Awardee Performance and Integrity Information System (''FAPIIS'') to record contracts, grants, and cooperative agreements voided based on a determination that the contract, or any subcontract under the contract, was with an enemy of the United States as defined under section 2(2).

(e) DISSEMINATION.—The Administrator for Federal Procurement Policy, in coordination with the Secretary of Defense and the Secretary of State, shall ensure that the regulations implementing this Act are disseminated to all personnel affected and that all contractors are made aware of this policy prior to contract, cooperative agreement, or grant awards.

SEC. 4. DETERMINATION OF ENEMY STATUS.

(a) REGULATIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State and the Administrator of the United States Agency for International Development, shall prescribe regulations establishing a process for the heads of executive agencies to make a determination that a party to a contract, cooperative agreement, or grant is an enemy of the United States as defined under section 2(2).

(2) ELEMENTS.—The regulations prescribed under paragraph (1) shall establish—

(A) a process for verifying the information on which a determination under such paragraph is sufficiently reliable;

(B) a process for protecting confidential sources;

(C) a process requiring the heads of executive agencies to document the basis for determinations under paragraph (1) and the information relied upon in making such determinations;

(D) a process for retaining such information for possible review under section 5; and

(E) a process that provides a balance between restricting the award of, or voiding of, a contract, cooperative agreement, or grant, against operational mission needs of the agency.

SEC. 5. DUE PROCESS PROCEDURE.

(a) CONTRACTS.—Any contractor whose contract is voided under the procedures prescribed pursuant to sections 3 and 4 may utilize the procedures established under chapter 71 of title 41, United States Code, except that the only basis for a claim under these procedures is that the contractor is not an enemy of the United States as defined under section 2(2).

(b) GRANTS AND COOPERATIVE AGREEMENTS.—The Department of State, the Department of Defense, and the Agency for International Development shall establish internal administrative procedures for reviewing, in the case of a cooperative agreement or grant voided under the procedures prescribed pursuant to sections 3 and 4, the determination that a party to such cooperative agreement or grant is an enemy of the United Stated as defined under section 2(2).

(c) PROTECTION OF NATIONAL SECURITY.—The regulations established under chapter 71 of title 41, United States Code, as amended pursuant to subsection (a), and the regulations prescribed under subsection (b) shall provide for the protection of national security as appropriate when a claim is submitted pursuant to this section.

SEC. 6. APPLICABILITY.

This Act and the amendments made pursuant to this Act shall apply with respect to contracts entered into on or after the date of the enactment of this Act.

SA 288. Mr. BROWN of Massachusetts (for himself, Ms. AYOTTE, Mrs. HAGAN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 341, to require the rescission or termination of Federal contracts and subcontracts with enemies of the United States; which was ordered to lie on the table; as follows:

Amend the title so as to read: ''A bill to restrict and void Federal contracts and subcontracts, cooperative agreements, and grants with enemies of the United States.''.

SA 289. Mr. CARPER (for himself, Mr. VITTER, and Mr. COBURN) 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. _____. SALE OF EXCESS FEDERAL PROPERTY.

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

''§ 621. Definitions

''In this subchapter:

''(1) COUNCIL.—The term 'Council' means the Federal Real Property Council established by section 622(a).

''(2) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(3) LANDHOLDING AGENCY.—The term 'landholding agency' means a landholding agency (as defined in section 501(i) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411(i))).

''(4) REAL PROPERTY.—

''(A) IN GENERAL.—The term 'real property' means—

''(i) a parcel of real property under the administrative jurisdiction of the Federal Government that is—

''(I) excess;

''(II) surplus;

''(III) underperforming; or

''(IV) otherwise not meeting the needs of the Federal Government, as determined by the Director; and

''(ii) a building or other structure located on real property described in clause (i).

''(B) EXCLUSION.—The term 'real property' does not include—

''(i) any parcel of real property, and any building or other structure located on real property, that is to be closed or realigned under the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note; Public Law 100–526);

''(ii) any property that is excluded for reasons of national security by the Director;

''(iii) any public lands (as defined in section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722)) administered by—

''(I) the Secretary of the Interior, acting through the Director of the Bureau of Land Management, the Director of the National Park Service, or the Commissioner of Reclamation; or

''(II) the Secretary of Agriculture, acting through the Chief of the Forest Service; or

''(iv) any Indian lands (as defined in section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722)).

''§ 622. Establishment of a Federal Real Property Council

''(a) ESTABLISHMENT.—There is established within the Office of Management and Budget a council to be known as the 'Federal Real Property Council'.

''(b) PURPOSE.—The purpose of the Council shall be to develop guidance for the asset management program of each executive agency.

''(c) COMPOSITION.—

''(1) IN GENERAL.—The Council shall be composed exclusively of—

''(A) the senior real property officers of each executive agency;

''(B) the Deputy Director for Management of the Office of Management and Budget;

''(C) the Controller of the Office of Management and Budget;

''(D) the Administrator of General Services; and

''(E) any other full-time or permanent part-time Federal officials or employees, as the Chairperson determines to be necessary.

''(2) CHAIRPERSON.—The Deputy Director for Management of the Office of Management and Budget shall serve as Chairperson of the Council.

''(3) ADMINISTRATIVE SUPPORT.—The Office of Management and Budget shall provide funding and administrative support for the Council, as appropriate.

''(d) DUTIES.—The Council shall—

''(1) in consultation with the heads of executive agencies, establish performance measures to determine the effectiveness of Federal real property management that are designed—

''(A) to enable Congress and heads of executive agencies to track progress in the achievement of property management objectives on a governmentwide basis; and

''(B) allow for comparison of the performance of executive agencies against industry and other public sector agencies in terms of performance;

''(2) in developing and implementing the performance measures described in paragraph (1), use existing data sources and automated data collection tools;

''(3) not later than 180 days after the date of enactment of this subchapter, submit to the Committees on Environment and Public Works and Homeland Security and Governmental Affairs of the Senate and the Committees on Transportation and Infrastructure and Oversight and Government Reform of the House of Representatives a report that contains—

''(A) an evaluation of the leasing process in effect as of the date of submission of the report to identify and document inefficiencies in that process;

''(B) a suggested strategy to reduce the reliance of executive agencies on leased space for long-term needs if ownership would be less costly; and

''(C) an assessment of domestically held, federally leased space, including—

''(i) a description of the overall quantity and type of space leased by executive agencies; and

''(ii) an identification of current contracts for leased office space in which the leased space is not fully used or occupied (including a plan for subletting of unoccupied space); and

''(4)(A) review contracts for leased office space that are in effect as of the date of submission of the report; and

''(B) work with executive agencies to renegotiate leases having at lest 2 years remaining in the term of the leases to recognize potential cost savings as quickly as practicable.

''§ 623. Duties of landholding agencies

''(a) IN GENERAL.—Each landholding agency shall—

''(1) maintain adequate inventory controls and accountability systems for property under the control of the agency;

''(2) continuously survey property under the control of the agency to identify excess property;

''(3) promptly report excess property to the Administrator;

''(4) establish goals that lead the agency to reduce excess real property in the inventory of the agency;

''(5) reassign property to another activity within the agency if the property is no longer required for purposes of the appropriation used to make the purchase;

''(6) transfer excess property under the control of the agency to other Federal agencies and to organizations specified in section 321(c)(2); and

''(7) obtain excess properties from other Federal agencies to meet mission needs before acquiring non-Federal property.

''(b) REPORT.—Not later than 90 days after the date of enactment of this subchapter, and annually thereafter, each landholding agency, in consultation with the Council, shall submit to Congress a report that describes, for the year covered by the report—

''(1) all surplus real property under the jurisdiction of the landholding agency;

''(2) an asset disposal plan, or an update of such a plan, that includes annual goals for the disposal of surplus real property; and

''(3) the number of real property disposals completed, including the disposal method used for each individual real property.

''§ 624. Database

''The Administrator shall—

''(1) establish and maintain a single, comprehensive, and descriptive database of all real property under the custody and control of all executive branch agencies, except when otherwise required for reasons of national security; and

''(2) shall collect from each executive agency such descriptive information (except for classified information) as the Administrator determines will best describe the nature, use, and extent of real property holdings for the Federal Government.

''§ 625. Disposal program

''(a) IN GENERAL.—

''(1) REQUIRED DISPOSAL.—

''(A) IN GENERAL.—The Director shall, by sale, demolition, or any other means of disposal, dispose of any real properties identified as of the date of enactment of this subchapter that, as determined by the Director, are surplus, are not being used, and will not be used to meet the needs of the Federal Government for the period of fiscal years 2012 through 2016.

''(B) CONVEYANCE.—Before taking any action to dispose of real property under subparagraph (A), the Director may consider whether the real property can be conveyed to State and local governments, nonprofit organizations, or the homeless for various public purposes or uses as allowed by applicable law.

''(2) WEBSITE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Director shall ensure that all real properties selected for disposal under this section are listed on a website that shall—

''(i) be updated routinely; and

''(ii) include the functionality to allow any member of the public, at the option of the member, to receive updates of the list through electronic mail.

''(B) NATIONAL SECURITY EXEMPTION.—The Director may, for purposes of national security, exclude from listing on the website under subparagraph (A) any real property selected for disposal under this section.

''(b) USE OF PROCEEDS.—

''(1) IN GENERAL.—Proceeds received from the disposal of any real property shall be retained and distributed in accordance with paragraphs (2) and (3).

''(2) AGENCIES THAT MAY RETAIN PROCEEDS.—With respect to a landholding agency that, as of the date of enactment of this subchapter, has statutory authority to retain full monetary proceeds from the disposal of real property—

''(A) nothing in this subsection affects the authority of such a landholding agency to retain those full monetary proceeds; but

''(B) the proceeds so retained—

''(i) shall be used—

''(I) by not later than 1 year after the date of disposal of the real property; and

''(II) only for activities relating to Federal real property asset management and disposal; and

''(ii) if not used by the date described in clause (i)(I), shall be returned to the general fund of the Treasury for debt reduction purposes.

''(3) AGENCIES THAT DO NOT RETAIN PROCEEDS.—With respect to a landholding agency that, as of the date of enactment of this subchapter, does not have statutory authority to retain full monetary proceeds from the disposal of real property—

''(A) the landholding agency—

''(i) may retain not more than 25 percent of the proceeds from the disposal of real property under this subchapter;

''(ii) shall use those proceeds—

''(I) by not later than 1 year after the date of disposal of the real property; and

''(II) only for activities relating to Federal real property asset management and disposal; and

''(iii) shall return amounts remaining unexpended after the date described in clause (ii)(I) to the general fund of the Treasury for debt reduction purposes; and

''(B) the remainder of those proceeds shall be deposited in the Treasury for debt reduction purposes.

''(c) ENFORCEMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if the surplus real properties described in subsection (a) are not disposed of as required under this section by September 30, 2015, no landholding agency may acquire any real property not under the administrative jurisdiction of the Federal Government, by sale or lease, until the Director submits a certification to Congress of the disposal of all of those surplus real properties.

''(2) WAIVER.—Paragraph (1) shall not apply to a landholding agency until such date as—

''(A) the landholding agency submits to the Director and the Committees on Environment and Public Works and Homeland Security and Governmental Affairs of the Senate and the Committees on Transportation and Infrastructure and Oversight and Government Reform of the House of Representatives a written justification describing the reasons why the surplus real properties described in subsection (a) under the jurisdiction of the landholding agency were not disposed of; and

''(B) Congress enacts a law approving the waiver.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of subtitle I of title 40, United States Code, is amended by inserting after the item relating to section 611 the following:

''SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

''Sec.
''621. Definitions.
''622. Establishment of a Federal Real Property Council.
''623. Duties of executive agencies.
''624. Database.
''625. Disposal program.''.

(c) REPORT OF THE COMPTROLLER GENERAL.—Not later than 5 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the use by executive agencies of the authorities provided by this Act and amendments made by this Act.

NOTICES OF INTENT TO SUSPEND THE RULES

Mr. DEMINT. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to H.R. 1363, Department of Defense and Further Additional Continuing Appropriations Act, 2011.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 768, a bill to provide for continuing operations of Government in a fiscally responsible manner.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing scheduled before the Senate Committee on Energy and Natural Resources has been postponed. This hearing was scheduled to be held on Thursday, April 14, 2011, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing was to review S. 343 a bill to amend Title I of PL 99–658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau following the Compact of Free Association Section 432 Review, to appropriate funds for the purposes of the amended PL 99–658 for fiscal years ending on or before September 30, 2024, and to carry out the agreements resulting from that review.

For further information, please contact Al Stayman at (202) 224–7865 or Abigail Campbell at (202) 224–1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 7, 2011, at 9:30 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. TESTER. 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 April 7, 2011, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 7, 2011, at 10 a.m., in 215 Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 7, 2011, at 2:15 p.m., to hold a East Asian and Pacific Affairs subcommittee hearing entitled, ''Combating Human Trafficking in Asia.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. TESTER. Mr. President, I ask uanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 7, 2011, at 1:30 p.m. to conduct a hearing entitled ''Securing the Border: Progress at the Local Level.''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate April 7, 2011, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on April 7, 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.

SELECT COMMITTEE ON INTELLIGENCE

Mr. TESTER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 7, 2011, at 2:30 p.m.

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

FAA REAUTHORIZATION AND REFORM ACT OF 2011

Mr. DURBIN. Madam President, I understand the Senate has received H.R. 658 from the House and, under the previous order, I ask that the Senate proceed to that measure.

The PRESIDING OFFICER. Pursuant to the order of February 17, 2011, all after the enacting clause is stricken, and the text of S. 223, as passed, is inserted in lieu thereof, and the bill, as amended, shall be read a third time.

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

The bill was read the third time.

The PRESIDING OFFICER. The clerk shall read the pay-go statement.

The assistant legislative clerk read as follows:

Mr. Conrad: This is the Statement of Budgetary Effects of PAYGO Legislation for H.R. 658, as amended.

Total Budgetary Effects of H.R. 658 for the 5-year Statutory PAYGO Scorecard: net reduction in the deficit of $17.796 billion.

Total Budgetary Effects of H.R. 658 for the 10-year Statutory PAYGO Scorecard: net reduction in the deficit of $19.467 billion.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

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

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 658, THE FAA REAUTHORIZATION AND REFORM ACT OF 2011, AS AMENDED BY S. 223, THE FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT, AS PASSED BY THE SENATE ON FEBRUARY 17, 2011

[Millions of dollars, by fiscal year]

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2011–2016	2011–2021
NET INCREASE OR DECREASE (−) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact	−7	−3,455	−6,071	−4,602	−2,611	−1,049	−479	−277	−266	−295	−355	−17,796	−19,467

Major provisions of H.R. 658 would:
—Reauthorize programs administered by the Federal Aviation Administration;
—Extend and modify certain aviation-related revenues;
—Rescind $44 billion in unobligated balances of discretionary budget authority (thereby reducing outlays by an estimated $22 billion over the 2011–2020 period).
Note: For this estimate, CBO assumes H.R. 658 will be enacted by June 1, 2011.
Sources: Congressional Budget Office and Joint Committee on Taxation.

The PRESIDING OFFICER. Under the previous order, the bill, as amended, is passed, the motion to reconsider is considered made and laid upon the table, the Senate insists upon its amendment, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints Mr. ROCKEFELLER, Mrs. BOXER, Mr. NELSON of Florida, Ms. CANTWELL, Mrs. HUTCHISON, Mr. ENSIGN, Mr. DEMINT, and from the Committee on Finance Mr. BAUCUS and Mr. HATCH conferrees on the part of the Senate.

UNITED STATES V. DOUGLAS D. HAMPTON

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 136 submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 136) to authorize document production in United States v. Douglas D. Hampton.

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

Mr. REID. Madam President, this resolution concerns records that several offices of the Senate have provided to the Department of Justice in connection with a criminal investigation.

As those documents may be needed in a pending criminal case arising out of that investigation, United States v. Douglas D. Hampton, this resolution would authorize the use of these documents in connection with this case or any related proceedings.

Mr. DURBIN. 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. 136) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 136

Whereas, in the case of *United States v. Douglas D. Hampton*, Crim. No. 11–085 (D.D.C.), pending in the United States District Court for the District of Columbia, documents that have been produced to the United States Department of Justice by offices of the Senate in earlier related proceedings may be needed for use in this proceeding;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by Permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that records that have been produced by offices of the Senate in connection with investigation by the Department of Justice are authorized to be used in the case of *United States v. Douglas D. Hampton* and any related proceedings.

TAKE OUR DAUGHTERS AND SONS TO WORK DAY

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 137, which was submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 137) supporting the goals and ideals of Take Our Daughters and Sons To Work Day.

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

Mr. DURBIN. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 137) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 137

Whereas the Take Our Daughters To Work Day program was created in New York City as a response to research that showed that, by the 8th grade, many girls were dropping out of school, had low self-esteem, and lacked confidence;

Whereas, in 2003, the name of the program was changed to ''Take Our Daughters and Sons To Work Day'' so that boys who face many of the same challenges as girls could also be involved in the program;

Whereas the mission of the program, to develop ''innovative strategies that empower girls and boys to overcome societal barriers to reach their full potential'', now fully reflects the addition of boys;

Whereas the Take Our Daughters and Sons To Work Foundation, a nonprofit organization, has grown to become 1 of the largest public awareness campaigns, with more than 33,000,000 participants annually in more than 3,000,000 organizations and workplaces in every State;

Whereas, in 2007, the Take Our Daughters To Work program transitioned to Elizabeth City, North Carolina, became known as the Take Our Daughters and Sons To Work Foundation, and received national recognition for the dedication of the Foundation to future generations;

Whereas every year, mayors, governors, and other private and public officials sign proclamations and lend their support to Take Our Daughters and Sons To Work;

Whereas the fame of the Take Our Daughters and Sons To Work program has spread overseas, with requests and inquiries being made from around the world on how to operate the program;

Whereas Take Our Daughters and Sons to Work Day will be observed on Thursday, April 28, 2011; and

Whereas Take Our Daughters and Sons To Work is intended to continue helping millions of girls and boys on an annual basis through experienced activities and events to examine their opportunities and strive to reach their fullest potential: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the goals of introducing our daughters and sons to the workplace; and

(2) commends all the participants in Take Our Daughters and Sons To Work for their ongoing contributions to education, and for the vital role the participants play in promoting and ensuring a brighter, stronger future for the United States.

MEASURE PLACED ON THE CALENDAR—H.R. 1363

Mr. DURBIN. I ask unanimous consent the following bill be placed on the calendar: H.R. 1363.

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

MEASURE READ THE FIRST TIME—S. 768

Mr. DURBIN. I understand there is a bill at the desk. I ask for its first reading.

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

The assistant legislative clerk read as follows:

A bill (S. 768) to provide for continuing operations of Government in a fiscally responsible manner.

Mr. DURBIN. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR FRIDAY, APRIL 8, 2011

Mr. DURBIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m. on Friday, April 8; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate proceed to a period of morning business until 4 p.m. for debate only, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, and any time spent in quorum calls be equally divided.

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

PROGRAM

Mr. DURBIN. Madam President, we are hopeful we can reach an agreement on the budget tomorrow. Senators will be notified when votes are scheduled.

ADJOURNMENT UNTIL TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 9:45 p.m. adjourned until Friday, April 8, 2011, at 11 a.m.