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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

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

Let us pray.

O God, our Father, before whom the lives of all are exposed and the desires of all are known, continue to be at work in our lives.

Use our lawmakers as instruments of Your purposes, so that Your will may be done on Earth and Your kingdom may be established. Prompt our Senators to yield to the unfolding of Your mighty providence, as You remind them that our times are in Your hands. May they refuse to boast about tomorrow, depending upon Your strength and sufficiency for each day.

Great and marvelous are Your works, O God. Just and true are Your ways, O King of Kings.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN 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 12, 2011.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate will be in a period of morning business until 11 a.m. today. The majority will control the first half of that, the Republicans the second half. At 11 a.m., the Senate will proceed to executive session to debate the confirmation of two prospective judges, Briccetti and Kronstadt. At noon, there will be a rollcall vote on confirmation of the Kronstadt nomination. The Senate will recess from 12:30 until 2:15 to allow time for the weekly caucus meetings.

Madam President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MINORITY LEADER

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

THE DEFICIT AND THE DEBT

Mr. MCCONNELL. Madam President, as the Senate gets back to work this week, it is worth noting that a sea change appears to have taken place in Washington over the past few weeks. Just 2 months ago, the President proposed a vision of government that ignored the fiscal crisis virtually everyone else in the country knows we need to address. And Democrats in Congress proposed that rather than cutting Washington spending, we instead raise taxes on oil and gas companies, who, as we know, would pass it along to American consumers in the form of higher gas prices, at a time when gas prices are double what they were a mere 2 years ago.

In other words, it wasn't that long ago that both the White House and Democrat leaders in Congress were doing everything they could to ignore the Nation's $14 trillion debt and to preserve the massive growth in government that they have presided over the past 2 years. But at some point in the past few weeks, Democrats in Washington finally got the message. The ground shifted and spending reductions Democrats recently described as ''extreme'' and ''draconian,'' they are now calling ''historic'' and ''commonsense.'' The debate has turned from how much to grow government to how much to reduce it.

This is a major departure from the standard Democrat position—and it suggests one of two things: either Democrats in Washington are finally waking up to the fact that our only hope of averting the kind of disaster we are seeing unfold in Europe is by forcing Washington to live within its means, or they have made a political calculation that Americans will no longer take them seriously if they continue to pretend otherwise. But either way, there now appears to be a bipartisan agreement in Washington that something serious must be done. Which brings us to an announcement by the

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Obama administration's top political advisor over the weekend that the President will change his position on entitlement reform, the deficit, and debt in a speech he will deliver tomorrow afternoon.

According to the administration officials, the President will now propose an outline of his goals in these areas. Apparently the President is finally ready to acknowledge problems that the rest of the country has been waiting for him to address. It is unfortunate that he had to be dragged into this discussion. But those on the left and right who have been clamoring for presidential leadership on these issues have to welcome the President's long-awaited decision to engage on them.

We all look forward to hearing what the President has to say, but it is my hope that in doing so, he offers more than the outline his political adviser suggested. As we know, House Republicans have put forward a detailed plan that seeks to preserve and protect Medicare for current beneficiaries and strengthen Medicaid, in part, by giving States more flexibility to implement it. At a time when thousands of baby boomers are retiring every day, putting even more pressure on our already overburdened finances, creative solutions like these are needed.

Hopefully the President will put forward a plan that does not just pay lip-service to the commitments we have made to seniors and the poor, but which acknowledges the unique problems that this generation and a rising generation of Americans face. Too often, it seems, Democrats in Washington claim to be interested in helping those in need, when what they really seek is to protect big government. Meanwhile, Republicans are developing solutions that will enable us to keep our commitments to seniors even as we create new opportunities for the young and middle class with low-tax policies that lead to private sector job growth. Whereas Republicans see America growing its way to prosperity, Democrats seem to want to constrict opportunities for everyone, so everyone is forced to do with less—except, of course, the politically connected and those who are lucky enough to get a waiver.

But at least the President is joining in the conversation. Hopefully that conversation is an adult one, and does not devolve into the kind of unhelpful scripted, and frankly juvenile, name-calling that we saw in the closing hours of the debate over the continuing resolution last week. We all know that both sides will have to play a part in addressing the crises we face, so we would do well to leave all dishonest rhetoric aside. Both sides want to preserve what is best about America. If both sides acknowledge that up front, as we move from a conversation about billions to trillions, we will have much progress even though we have much work ahead of us.

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 until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and Republicans controlling the final half.

MEASURE PLACED ON THE CALENDAR—S. 783

Mr. REID. Madam President, it is my understanding S. 783 is at the desk and due for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (S. 783) to provide an extension of time for filing individual tax returns in the case of a Federal Government shutdown.

Mr. REID. I object to any further proceedings with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

Mr. REID. Madam President, it is my understanding that in this time for morning business, Senators are permitted to speak for up to 10 minutes each; is that right?

The ACTING PRESIDENT pro tempore. Correct.

A MORAL BUDGET

Mr. REID. Madam President, I am always moved to hear the Pledge of Allegiance that marks the beginning of a new legislative day in the Senate. On the 150th anniversary of the beginning of the Civil War, the words ''one nation, indivisible'' mean more today than most other days. Along with Chaplain Black's inspired invocation, the pledge motivates us and reminds us of the true purpose of our work. Together, they recall our responsibility to our country, to our countrymen, and to our conscience.

I am particularly pleased to see the Senate open this morning. As we all know, last week at this time, even as recently as just a few evenings ago, whether the government would stay open was a very real question. As I said here late on Friday night, I am pleased we reached an agreement on a budget in time to keep the country operating.

I am pleased that the budget will make historic cuts, saving the country money so we can lower our deficit and do a better job of living within our meanings.

At the beginning of this debate and throughout the last few weeks, I reminded the Senate that in this negotiation, as in any negotiation, neither side would get everything they wanted. From the start I also expressed my firm belief that what we cut would always be more important than how much. That is because our Nation's budget is a representation of our values and of what we value. It is one of the many ways we demonstrate as a Congress and a country what matters most to us, what is important. This concept is not unique to Democrats.

As the Speaker of the House and the chairman of the House Budget Committee have both said, our budget is a moral document.

Those following the budget debate have noticed something unmistakable. While both parties may agree in principle that a budget is more than simply a collection of numbers, our positions couldn't be more different. We stayed true to our values. We value the rights of Americans to afford a healthy life. That is why we passed historic health reform last year, but Republicans tried to use the budget to repeal those rights. We stayed true to our values, and we didn't let them.

We value women's health, but Republicans tried to use the budget to make it harder for women to get contraception that reduces abortions. Their budget also tried to make it harder for women to get cancer screenings, and they even tried to slash funding for cancer research. We stayed true to our values and we didn't let them.

We also value seniors' ability to support themselves, but Republicans tried to use the budget to slice the Social Security Administration. That would have meant delays for seniors and disabled Americans who count on the benefits they have earned over a lifetime of hard work. They also tried to use the budget to reopen the doughnut hole which would have sent seniors' prescription drugs skyrocketing. We stayed true to our values; we didn't let them.

We value our children's education, but Republicans tried to use the budget to kick little boys and girls out of prekindergarten programs and slash Pell grants that help so many students afford college. We stayed true to our values and we didn't let them.

We value our environment, but Republicans tried to use the budget to give polluters a free pass to poison the air we breathe. We stayed true to our values and we didn't let them. We value our economic security, but Republicans tried to repeal the promise we made to taxpayers that they will never again be asked to bail out a big bank when the bank loses its risky bets. They tried to use the budget to reverse rules we put in place to hold Wall Street accountable. We stayed true to our values and we didn't let them.

Finally, we value our responsibility to create jobs, but Republicans also tried to use the budget to reverse the momentum we have seen in recent months. The policies they tried to jam through the budget would have cost us

700,000 jobs and slammed the breaks on our economic growth. We stayed true to our values and we didn't let them.

There are many more examples in this vast budget, examples of programs Republicans wanted to destroy but Democrats demanded we protect. There are many examples where they wanted to cut recklessly and we insisted on cutting responsibly. Throughout this debate, we stayed true to our values. The American people noticed, and they are glad we did. By clear majorities our constituents are glad we stood up for health reform, women's health, cleaner air, and on and on.

This budget battle has once again illustrated for the American people the fundamental differences between the two parties. In some cases our priorities are poles apart. That is obvious to the American people, as well it should be. They are the ones who will always decide whether the morals of their representatives more closely match their own.

As we work toward finalizing this year's budget, we start the conversation about next year's budget, and we engage in the many other debates before us, Democrats will continue to insist on policies that reflect and respect our values.

I ask unanimous consent that my time be charged against leader time and not morning business.

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

The Senator from Oregon is recognized.

FREE CHOICE VOUCHERS

Mr. WYDEN. Madam President, in one cruel swoop late last week, more than 300,000 Americans lost the opportunity to buy affordable health insurance for years to come. Specifically, I am talking about the removal behind closed doors by budget negotiators of the free choice voucher provision that would have been a lifeline to hundreds of thousands of low-income Americans.

One could say: Senator WYDEN, everybody has to give a little during tough times. Why is this different?

The difference is that hundreds of thousands of Americans without health care options, in a process that doesn't even have any direct cost to the Federal budget, are being asked to give up a guarantee of coverage just a year after passage of the Affordable Care Act. They are going to be forced to make a Hobson's choice between unaffordable insurance and going without health care, directly contradicting the theoretical underpinnings of the Affordable Care Act. Under that provision, those whose income falls below 400 percent of the poverty line and whose employer-sponsored health insurance premiums are between 8 and just under 10 percent would be exempt from having to purchase health coverage.

Unfortunately, now that they do not have access to the exchanges, they will also not qualify for government assistance to insurance. The provision leaves hundreds of thousands of Americans who need health care as a lifeline out in the cold.

With free choice, however, folks who fell into this hole and couldn't afford the plan they were offered at work could use their employer's contribution. They could have gotten a voucher to choose a more appropriate affordable plan in the exchange. The amount of the voucher would be set at the same percentage that employers pay today: 70 percent of the cost of a typical plan. The amount would be fixed, giving employers certainty in the cost of doing business. For these families, it could mean the difference between being able to buy a health plan they could afford or going without coverage. If they found a plan in the exchange that's cheaper that was cheaper than the voucher amount, but gave them everything they needed, they could have pocketed the difference in cost. This gives that family an incentive to shop for lower cost coverage and helps hold down everyone's health care costs.

This kind of concept is not only good for the employee, it is good for our businesses, particularly the small businesses that so strongly back this provision. When the impact of free choice was proposed during the health reform debate, the Congressional Budget Office and the Joint Committee on Taxation estimated that more than 300,000 families could benefit from this new approach to choice and competition. That was then.

Since passage of the health care reform law, the need for free choice vouchers is greater than ever. The Kaiser Family Foundation, in their recent analysis, found that employers, even since the law, are shifting more of the health care cost on to the backs of the workers. In that analysis, The Kaiser Family Foundation reported that the typical increase for family coverage went up three percent on average last year, but the cost for the typical worker went up 14 percent. The employer was paying virtually none of that increase. The worker was eating almost all of it because costs were being shifted from employers on to the backs of the workers. So if anything, even more people would likely need free choice vouchers, and would have been eligible to use them, than was originally envisioned when we passed the law.

I am of the view that it is not that businesses don't want to provide affordable benefits to workers. It is just making less and less sense to do so given the way the current system operates. Incentives would not change in 2014, leaving an increasing number of families with a choice between the unaffordable and the unavailable. Up until late last week, in the dark of night, those families had a choice. They had a choice, a third path. The two that I mentioned, unaffordable and unavailable, were not very appealing, and free choice vouchers would have created a third option that would have worked for those families. They would have had a chance to take their pretax dollars provided by their employer to the free market exchange and decide for themselves which plans they could afford that provide the benefits they need.

Free choice is good for workers, it is good for business, it is good for our country's bottom line; it offers a way to rein in higher health care costs by putting purchasing power back into the hands of the consumer. Once people know they are paying for their health coverage and can shop for a plan that answers their specific needs, costs will come down.

We hear often colleagues on both sides of the aisle talk about choice and competition and market forces. What this did was provide a chance for both sides to take principles they hold dear, expanding coverage with a market based approach for workers who are hurting, and say: Free choice vouchers can do that. The arguments against free choice didn't start with Democrats or Republicans. The arguments started with the interest groups, the lobbies, the special interests that have a vested stake in holding their employees captive and locking them into this incredibly inefficient status quo.

This provision has no budget impact in the fiscal year. Three hundred thousand low-income Americans are being hurt in this budget bill for something that spends no money in the upcoming year; 300,000 Americans with no acceptable alternative to make sure that when they go to bed at night with their families they can take care of an illness or a medical expense that comes up in the morning.

I don't think this had to be. Clearly, if we had had the opportunity in an open forum to address this, there would have been a different result because that is how it got into the law in the first place. I want to make sure colleagues know we will have to be back here to get some relief for the 300,000 Americans we put out in the cold as a result of that particular provision. I hope, once again, we can do it in a fashion that brings Democrats and Republicans together the way free choice vouchers and the principles it represents did in the first place.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I first acknowledge my colleague from Oregon for his great leadership in this area. We look forward to working with him. He has taken an essential lead on this important matter. This has been a difficult time for all of us with some of the changes being made.

DAUNTING FISCAL CHALLENGES

Ms. KLOBUCHAR. Madam President, I rise to speak about the daunting fiscal challenges our country faces and the urgent need for comprehensive bipartisan action to address our crushing

debt burden. I have long believed we need to get serious about the deficit. Since I came to the Senate, I have worked to reform the way Congress conducts our own business, reducing the budget of Congress, fighting for appropriations project reform, and working to restore our pay-as-you-go rules and the budget process to ensure we are only funding new programs if outdated or duplicative programs are cut.

I was one of a handful who fought for the creation of the fiscal commission, and I have supported efforts by both Republicans and Democrats to responsibly reduce the deficit. We wouldn't have even had the commission that worked all this past year and came up with a report that many people thought would just collect dust on the shelf, but that hasn't been the case. That is because a number of Senators last year said: We are not going to take this anymore. The country can't take this anymore. We will stand up and make sure the deficit commission gets started. We are going to make sure we get strong people on the commission, which was achieved, and that they produce something that is meaningful.

Right now as we speak, a number of our colleagues, a small group of six, are working on the results from that commission report, and we are hopeful they will come together in a bipartisan agreement.

Last year, I supported the efforts of my colleagues, Senators SESSIONS and MCCASKILL, to enact discretionary spending caps. While this proposal could not by itself balance the budget, restraining discretionary spending growth is an important piece of the puzzle and will result in real budget savings.

I voted with Senator COBURN to cut hundreds of billions of dollars in Federal spending by consolidating duplicative government programs and supported Senator BENNET's successful effort to rescind $180 billion in unused TARP funds to pay down the deficit. In the first 4 months of this year, I have supported $12 billion in cuts and have pushed for many more.

These are all important steps. What our country needs now is for Congress to reach across the aisle and build consensus around a comprehensive, long-term deficit reduction package that will put us on track to prosperity.

Ever since the economic downturn, families across the country have huddled around the kitchen table making tough choices about what they hold most dear and what they can learn to live without. They expect and deserve that their leaders do the same. The American people are counting on us to put politics aside, to pull together and not pull apart, to not go to the opposite corners of the boxing ring and simply throw darts at each other. They expect us to agree on a plan to live within our means and make America strong for the long haul.

If we are going to succeed in this challenge, we will ultimately have to accept what we do not necessarily agree with in an effort to develop a plan that is both balanced and comprehensive. We already know much about what will need to be done. Our failure to act has not been because we lack solutions but because Congress has lacked the political will to get behind proposals that on their own sometimes are not always that popular. I support the work being done by my colleagues, Senators WARNER, CHAMBLISS, DURBIN, CRAPO, COBURN, and CONRAD, and look forward to working with them to put forward a serious, comprehensive deficit proposal.

Tomorrow, the President will be laying out his recommendations for a comprehensive deficit reduction package. Much of the recent debate over deficit reduction has been dominated by talk of how best to cut programs that millions of American seniors and the most vulnerable in our society rely on every day. While I believe entitlement reforms must be a part of a comprehensive solution, I believe there are also several other key steps we can take to address our deficit in a meaningful way.

As you know, Madam President, we started down the road of entitlement reform with some of the efficiency measures we put in for Medicare. Those can be expanded. I know my State has always delivered high-quality low-cost health care, and we need to do that in more of the country when it comes to Medicare.

With Social Security, there are some excellent ideas to strengthen Social Security, to make it more solvent. I think we need to look at those, but we have to make very clear we will not be balancing this budget on the backs of seniors but that with any measures we take to reform Social Security, those savings will go directly into Social Security—not to be used to reduce the deficit—to make Social Security stronger in the long term.

That is what we need to do. I think the rest of the world, when they look at these kinds of ideas and the measures we can take, will say: Do you know what. America is getting it back together. It is not stealing from other parts of the budget paying for Social Security. It is actually making Social Security stronger by finding a way to make it last longer and be there for our seniors today as well as seniors for the future.

Now, I want to talk about a few of the steps I think we could take and I hope will be included in the President's suggestions and in the deficit commission report.

First, we need to get serious about making our government work more efficiently by reducing programs that have become duplicative or outdated.

Last month, the Government Accountability Office released a report that identified 82 different programs with similar descriptions in 10 different agencies for roads and trains, 47 for training and employment, and 56 to help people understand finances. The recommendations laid out in this report could save hundreds of billions of dollars, not by making Draconian cuts, not by taking drastic measures, but simply by eliminating waste.

There are plenty of other examples of savings we could find right here in Washington, with Congress and with our Federal agencies.

To begin, we could eliminate billions of dollars in waste in Federal contracts. How? By ending the practice of giving bonuses to government contractors who overcharge and underperform. By requiring Federal agencies to set strong standards for awarding contract bonuses—standards that reward contractors based on the quality of their work and their ability to meet deadlines—we could save $8 billion.

We could cut back on unnecessary costs in the Federal Government's day-to-day spending, such as printing expenses. Civilian Federal employees spend an estimated $1.3 billion on office printing every year, and it is estimated that $440 million of that printing is ''unnecessary.'' If we could cut that $440 million in waste alone on the unnecessary printing, we could save $4.4 billion over 10 years.

Then there is the $4 billion we spend on Federal vehicles every year. If we could cut that budget by 20 percent, we could save $800 million a year and $8 billion over 10 years.

Additionally, the Federal Government is the largest property owner in the country, with an inventory of more than 1.2 million buildings and structures—some of it unused. It does not make sense for taxpayers to continue paying for upkeep of these properties when we could sell them or repurpose them to make them more efficient. We could capture $15 billion in savings on our deficit by selling properties that have been identified as excess and eliminating their upkeep costs. Obviously, I am not talking about all Federal properties, but these are properties that have been identified as excess.

There are also a number of ways to cut waste from our health care spending. We should start by ending the giveaway to the pharmaceutical companies and allow for price negotiations with prescription drugs in Medicare Part D.

Unfortunately, the ''noninterference'' clause in the Medicare Part D prescription drug benefit expressly prohibits Medicare from negotiating lower prices from pharmaceutical companies. This prohibition has imposed substantial and unnecessary costs on America's taxpayers and seniors who are paying excessive prices for prescription drugs. With Medicare barred from negotiating discounts, seniors face inflated prices for their medications, while the pharmaceutical industry gets a financial windfall.

I am fighting to change that so our seniors can have access to their medicines at the lowest possible prices, and

I have introduced a bill, along with Senators BEGICH and BLUMENTHAL, that would allow for price negotiations. Allowing Medicare to directly negotiate these prices, as the Veterans' Administration does, could save us $240 billion over the next 10 years.

We also need to take a more serious look at Medicare fraud. Law enforcement authorities estimate Medicare fraud costs taxpayers more than $60 billion every year. This means as much as 20 percent of total Medicare spending is lost to fraud each year.

To help combat these types of fraud, I have introduced the IMPROVE Act—Improving Medicaid/Medicare Payment Policy for Reimbursement through Oversight and Efficiency—which would help deter fraud by requiring direct depositing of all payments made to providers under Medicaid and Medicare. These criminals scheme the system to rob American taxpayers of money that should be used to provide health care to those who need it most. We must put a stop to it. Putting an end to waste, fraud, and abuse is a critical step to save taxpayer dollars as we look for ways to make our health care system more efficient. But we need to continue to look for other ways to make our government and the way Washington works more efficient as well.

I mentioned efforts to reduce duplicative programs in our government, but we should also take a close look at the different agencies. For example, we could cut $75 billion from our defense spending by restructuring our budget and increasing efficiency. Whether it is holding civilian workforce levels where they were in fiscal year 2010, which would save $13 billion, or making targeted changes to Pentagon missions and priorities, which would save $11 billion, or even just doing away with unnecessary studies and internal reports, which would save $1 billion, these cuts all add up.

Secretary Gates has proposed and supports these cuts, and I believe they are necessary as we look for ways to streamline our government and reduce our deficit. When Secretary Gates says he does not need a certain type of a plane because he has another plane, I think we should listen to that as we look at how we are going to save money in this government.

In addition to cuts in spending and efforts to streamline our government, we also need to take a serious look at revenues and ways we can streamline our Tax Code to pay down our debt and ensure that the United States remains competitive in this global world.

Despite the fact that Federal revenue is at the lowest level as a percentage of GDP since 1946, our efforts last year to let the tax rates for the wealthiest Americans return to what they were under President Clinton were blocked even though it would save $690 billion over the next decade. You have said it, Madam President, for people making over $1 million—ror those people who make over $1 million a year, if you have their taxes set at the levels during the Clinton era—at a time when we were very prosperous—you would save nearly $400 billion in 10 years on the deficit. While not all my colleagues agree on how or even whether we should raise more revenue, every serious bipartisan proposal has made it a clear must.

In the quarter century since the last comprehensive tax reform, the system has been riddled with expenditures that benefit special interests and hurt competitiveness. These expenditures add up quickly, costing us over $1 trillion a year. For example, despite oil and gas companies reporting record profits in recent years, they will receive an estimated $35 billion in tax breaks over the next decade. And there are many companies that attempt to evade our tax system altogether. Closing these loopholes could save tens of millions of dollars for American taxpayers. Expenditures such as these riddle the individual income Tax Code as well.

One aspect that is worth looking at—and something near and dear to the heart of every American who owns a home—is the mortgage interest deduction. I have used it. Everyone I know who has bought a house has used it. Here is the deal. The deduction is expected to lower tax revenues by nearly $500 billion from 2010 to 2013. However, most of the benefits do not go to the middle class. So one idea—and this came out of the fiscal commission—is to make sure those benefits are firmly there for the middle class; that is, to set the credit at equal to 12 percent of interest payments on up to $500,000 of mortgage debt on principal residences. So here is what this means. If you buy a house for $1 million, you still get the mortgage deduction, but it is up to $500,000 in the value of the home. If you get a house for $300,000 or for $400,000, it is not going to change the mortgage deduction at all. But what does it do for taxpayers? Well, phased in slowly to protect the housing market, this proposal would save $400 billion or more over the next decade.

By taking steps such as these, we can lower tax rates, broaden the base, simplify the Tax Code, and at the same time bring down the deficit. This will benefit working families and make America more competitive in the global economy.

These ideas are just a few of the ideas that I believe warrant a closer look and should be considered as we look to reduce our Nation's deficit. Together, they represent at least $1 trillion in savings that could be included as part of a bipartisan, long-term deficit reduction plan, in addition to a lot of the work we have already done this year for spending cuts. We can look at some additional ideas for next year, and there are many, many more. These are just simply some I hope the President includes in his proposal and that the deficit commission includes as well.

Tomorrow we will hear from the President, and I hope we hear a plan that reflects the challenges we face as a nation, that builds on the work of the fiscal commission, and that brings both parties to the table for a grownup debate.

The sooner we can agree on a long-term package of smart cuts, the better for our economy and the better for our country. I am hoping we can put partisan differences aside to work on an agenda that strengthens our economy, promotes fiscal responsibility, and increases global competitiveness because if we refuse to have an honest conversation about this, if we insist on just using the debate as a vehicle for angry rhetoric and an excuse for taking cheap political shots, we will not just be doing ourselves a disservice and this institution a disservice, we will be cheating our children and our grandchildren out of knowing the America in which we grew up.

The deficit is not just going to fix itself. We all know that. We all know we cannot just close our eyes, click our heels, and—poof—the debt goes away. In their report, the National Commission on Fiscal Responsibility wrote that ''every modest sacrifice we refuse to make today only forces far greater sacrifices of hope and opportunity upon the next generation.'' And they are right. The longer we wait, the more wrenching the choices become, the more we set ourselves up for becoming another Greece or Ireland and having a potential meltdown in our financial system. But do you know who is really going to be making the painful choices if we do not do anything right now? That is right, it is our kids and our kids' kids. Is this really the legacy we want to leave them?

This is our challenge, and it will be a hard challenge to meet. But I am confident we can come together to make these tough choices to do what is right for our economy and to renew the American promise of progress and opportunity for generations to come.

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

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

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

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

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

Mr. SESSIONS. Madam President, I ask unanimous consent to speak until 11—I think that is the agreed upon time—and that I be notified 5 minutes before 11.

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

FISCAL RESPONSIBILITY

Mr. SESSIONS. Madam President, the American people have high expectations of their leaders. They should

have, and they should demand it. One of the basic expectations we should have for our President is that he would be honest and forthright in discussing the critical issues facing our Nation. He should engage in the Nation's most important debates and provide leadership and take all appropriate steps to protect our Nation when we face a clear and present danger.

Clearly, the dominant issue of our time—I think there is no dispute within this Chamber—is our fiscal path, the debt course we are on, and the fact that we want to see our country be prosperous and grow, create more jobs, not lose jobs. To do that, we have to confront the large, soaring debt we have. It dwarfs all other issues. The American people know it. They gave a shellacking to the big spenders in the last election. It is what I hear whenever I am at home and what my mail and e-mails and phone calls say.

People are worried about the future of our country economically, and they are exactly right. The people who are not right are those who say change is not necessary—people who are in denial, including Government agencies and departments. People who receive governmental grants and programs think that nothing has changed in their own minds, but things have changed. I wish it weren't so, but it is so.

The Congressional Budget Act requires that Congress pass a budget every year by April 15. That is this Friday. A few weeks ago, the Congress received from the White House the most irresponsible budget ever submitted by a President to the Congress and to the Nation because it did nothing to confront the problems we face. It made no recommendations about entitlement programs—Social Security, Medicare, Medicaid—zero. It increased discretionary spending, increased taxes by $1.7 trillion, and, according to the Congressional Budget Office that analyzed the President's budget, it increases the debt, when it is all over, more than the debt would have been increased if we hadn't had a budget from the President, even with $1.7 trillion in new taxes. That is why it was irresponsible. It did not confront the issues we so seriously face today. He said when he announced it, that his budget would cause us to live within our means, that it would not increase the debt, and that we are not going to spend any more money than we are taking in. All fact-check organizations have found that to be false. It is plainly false. The lowest single year in which we have a deficit—and we have a deficit every year under the present budget—is $740 billion, and it is increasing in the 10th year to $1.2 trillion. The horrible deficit President Bush had was $450 billion. The lowest President Obama projects in 10 years is $750 billion, and it is going up in the outyears to $1.2 trillion.

In contrast, the House Budget Committee chairman, PAUL RYAN, has made the most serious attempt maybe in history to deal with the systemic threats our country faces to tackle our long-term fiscal challenges. The Bowles and Simpson debt commission cochairmen appointed by President Obama described PAUL RYAN's budget this way: ''A serious, honest, straightforward approach to addressing our Nation's enormous fiscal challenges.''

They went on to say:

> Going forward, anyone who issues an alternative plan to Chairman Ryan's should be held to the same standard when offering their solutions. We simply cannot back away from these issues.

Rather than defend the President's budget or offer alternatives, what we have been seeing in this Chamber are just attacks on Congressman RYAN and attacks on anybody who says change has to occur. They act as though nothing has to change. Many remain in denial. Our Democratic chairman, Senator CONRAD, who said so many good things about the need to challenge the status quo and make changes to put our country on the right path, said:

> Representative Ryan's proposal is partisan and ideological. He provides dramatic tax cuts for the wealthiest, financed by Draconian reductions in Medicare and Medicaid. His proposals are unreasonable and unsustainable.

Is this going to be the nature of our discussion? I thought we were supposed to be trying to reach a bipartisan understanding of the challenges facing us and do something about it. We saw what the President's own debt commission cochairmen said, respectfully, of the Ryan proposal, and this is what our leadership said. Others have called it extreme. They say it is driven by these evil tea party people who don't know anything. They know something. They know the government is spending us into virtual bankruptcy and that Congress has failed in its basic responsibilities to protect the Nation from economic danger. The American people are right.

I called on the President, before the State of the Union Message, to enter into a dialog with the American people, to look them in the eye and explain why we are in trouble, why we have to change. Who wants to go and propose any reduction in any spending?

The ACTING PRESIDENT pro tempore. The Senator from Alabama has 5 minutes remaining.

Mr. SESSIONS. I thank the Presiding Officer.

Who wants to do that? We are in a position where we have to make those kinds of tough choices, just as our counties, our cities, our mayors, and our State Governors are making every day.

So now we are told the President is going to give a speech. He hasn't yet even discussed the danger we face. We are told the President is planning this major speech to discuss our long-term fiscal problem. I would say, first of all, it has to be considered a dramatic admission that his previous claims that his budget calls on us to live within our means, to pay down the debt and not add to the debt, were false. They say the President will support some of the recommendations in the fiscal commission, his own Commission, Bowles and Simpson. I hope that is true. But I just wish to say this: At this point in history, with the budget supposed to be passed in the Senate Friday and we haven't even had a markup to have a hearing on a budget; we have not seen one, other than the President's previous budget, which is so utterly irresponsible, I think he owes more than a speech.

We hear a lot of speeches in this country, a lot from the President. What we need are numbers. What he needs to do is submit a new budget. If he is going to change his projections for the future and is going to propose alterations in our entitlement programs, let's see the numbers. He has around 500 people in the Office of Management and Budget. So if this is serious, let's have a serious proposal. The House has done it. The Republican House has a budget. They are going to move that budget. I suspect we will have that budget passed in the House by Friday. It has real numbers, real integrity, real change. It puts us on a path to prosperity, not debt and decline.

The American people know this is serious. They know we are in a dangerous time. All we have to do is rise and make some tough choices, as mayors and Governors and families are making around their kitchen table every day. When we get through this exercise, we are not going to find that the government sank into the ocean because we reduced agencies 15, 20, 25 percent.

The President needs to lay out concrete, specific details about how he intends to solve these challenges we face—not a general speech. The House and Senate Budget Committees must be able to review what he proposes as the Budget Act presumes, in real numbers. The Congressional Budget Office needs to be able to analyze it and see how it will actually play out in terms of dollars.

In 1996, President Clinton produced four budgets. The shutdown occurred during that time and they had a big fight during that time. But we know what happened 3 years later. The budget was balanced. Yes, it was a messy fight, and people made a lot of mistakes, but the end result was the American people said: You are spending too much. Congress rose and said: We are not going to keep doing this, and they balanced the budget. We are in a deeper hole today. It is going to be a lot harder, but it can be done again if we meet the challenges.

So questions that must be answered by the President and the new budget are some of these:

The fiscal commission recommends $1.3 trillion less in discretionary spending than proposed in the President's budget. How does the President plan to

alter his budget to achieve those savings?

The fiscal commission recommends finding $600 billion in entitlement savings, but the President's budget would increase entitlement spending by $905 billion. That is in the budget he submitted already. How does he intend to achieve these savings in entitlements?

The fiscal commission's recommendations would reduce it by $4 trillion, and the Ryan budget plan would reduce it by $5 trillion; but the President's budget would increase the debt by $10 trillion and would not produce any savings. How would the President alter his original budget to reduce the debt by $4 trillion? I wish to see something more than a speech. Give me a break. I wish to see some numbers so we can discuss it.

Once the President engages, we can have that long overdue national dialog about solving the Nation's fiscal problems. But he has to acknowledge that we have one. As every witness has told us—and the debt commission chairmen, Simpson and Bowles, said this Nation has never faced a more predictable fiscal financial crisis. They see it coming. We have to change.

I hope in his speech the President will discuss entitlements, discuss whether it is good to burden American energy companies with new taxes, discuss whether we should tax small businesses even more, and discuss the military budget. I think a leading President should talk about that. Rather than trying to drain every cent of tax revenue from the American people, Washington should try to drain every cent of waste from the Federal budget.

I hope this doesn't continue the pattern of retreat that is already emerging, where the President supports deficit reduction in theory but resists it in practice, and he claims credit when he is forced to accept reduction. For a President to abdicate his responsibility to lead the effort to meet one of the greatest challenges in our Nation's history would be tantamount to a general leaving the battlefield in a time of war.

I hope we have a speech. I hope it is backed up with real numbers, and I hope and pray it represents a recognition by the President of the United States that we have a serious fiscal challenge before us.

Business as usual cannot continue. Change is necessary. I hope he intends to participate in that and help lead the good change that is necessary.

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

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

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF VINCENT L. BRICCETTI TO BE UNITED STATES DISTRICT JUDGE

NOMINATION OF JOHN A. KRONSTADT TO BE UNITED STATES DISTRICT JUDGE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nominations.

The clerk will report.

The legislative clerk read the nominations of Vincent L. Briccetti, of New York, to be U.S. District Judge for the Southern District of New York, and John A. Kronstadt, of California, to be United States District Judge for the Central District of California.

The ACTING PRESIDENT pro tempore. There will now be 1 hour of debate equally divided between the two sides.

The Senator from Illinois.

Mr. KIRK. Madam President, I ask unanimous consent that I be allowed to speak out of turn as in morning business.

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

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, the Senate will confirm two more of the President's judicial nominees. Both of these nominees are for seats termed "judicial emergencies." My Republican colleagues and I continue to demonstrate our cooperation. We have worked with the Democratic majority in moving consensus nominees through the committee and on to the Senate floor. With today's votes, we will have confirmed 17 judicial nominees in just 39 short days the Senate has been in session this Congress. Twelve of these confirmations were for those positions that are termed "judicial emergencies."

We have reported out of committee a total of 32 judicial nominees. That is 51 percent of the total nominees who have been submitted to the Senate by the President of the United States. To date we have held five nomination hearings with 21 judicial and executive nominees giving their testimony. We have another hearing scheduled for tomorrow, with four judicial nominees and one executive nominee on the agenda. With this productive pace, we have taken positive action on 60 percent of the judicial nominations sent to the committee this year by the President.

Today the Senate will consider two nominations: First, Vincent Briccetti, nominated to be U.S. District Judge for the Southern District of New York. He received a B.A. from Columbia University and a juris doctorate from Fordham University School of Law. The nominee began his legal career as a law clerk for the Honorable John M. Cannella, U.S. District Court for the Southern District New York.

After a short term in private practice, he served as an assistant U.S. attorney. That was also for the Southern District of New York. Later, he became a deputy chief appellate attorney. After working as an associate attorney in a law firm, the nominee started his own firm in 1992 and, as I report to my colleagues regularly on the ABA standing committee on the Federal judiciary, that committee has unanimously rated this nominee "well-qualified."

The second nominee is John Kronstadt, nominated to be U.S. District Judge, Central District of California. He received his B.A. from Cornell University and juris doctorate from Yale Law School. He began his legal career as law clerk to the Honorable William P. Gray, U.S. District Court, Central District of California. This nominee practiced law for nearly 24 years, most recently as a partner with Arnold & Porter.

On November 14, 2002, Gov. Gray Davis appointed Judge Kronstadt to the Los Angeles County Superior Court. There he presided over criminal, civil, and family law matters. Again, reporting on the American Bar Association rating of this nominee, the nominee had substantial majority "qualified," a minority, "well qualified."

I support these two nominees and urge my colleagues to support them as well. I congratulate each of the nominees for their achievement and, more importantly, for their long period of public service which will continue after their confirmation by the Senate.

Mrs. BOXER. Mr. President, I wish to express my strong support for California Superior Court Judge John A. Kronstadt, as the Senate prepares to vote on his confirmation to the U.S. District Court for the Central District of California. Judge Kronstadt was recommended to the President by my colleague, Senator FEINSTEIN, and will be a great addition to the Federal bench.

Judge Kronstadt has had a distinguished career. After graduating from Yale Law School, he served as a Federal law clerk for Judge Gray on the Central District of California. With his

confirmation, Judge Kronstadt will be returning to the same court where he served as a clerk. Following his clerkship, he was in private practice, specializing in complex litigation, antitrust, copyright and securities. Since 2002, Judge Kronstadt has served as a superior court judge in Los Angeles.

I congratulate Judge Kronstadt and his family on this important day, and urge my colleagues in the Senate to join in voting to confirm this highly qualified nominee to the Federal bench.

Mrs. FEINSTEIN. Mr. President, I am very pleased that we are considering the nomination of Judge John Kronstadt to the U.S. District Court for the Central District of California here today.

I had the privilege of recommending Judge Kronstadt's nomination to President Obama.

Since 2002, he has served as a judge on the California Superior Court for Los Angeles County.

Judge Kronstadt first came to my attention through the Judicial Advisory Committee that I have set up in California. This is a bipartisan committee that reviews judicial candidates for me based on their legal acumen, reputation for skill and professionalism, breadth of personal experience, temperament, and overall commitment to excellence in the field of law.

Judge Kronstadt stood out from among the candidates for the vacancy on this court because he has all of these qualities in spades.

He has an outstanding academic record, with a bachelor of arts degree from Cornell University and a law degree from Yale Law School.

He started his legal career on the very court to which he is now nominated, serving as a law clerk to Judge William Gray of the U.S. District Court for the Central District of California.

Judge Kronstadt also brings a distinguished background in private practice. Prior to becoming a judge, he spent roughly two dozen years as a litigator trying complex civil cases before Federal courts, State courts, and administrative agencies.

He started as an associate and then became a partner at the law firm of Arnold & Porter—first in Washington, DC, and then in Los Angeles. Between years with that firm, he also spent 15 years managing his own firm with three colleagues. That was the firm of Blanc, Williams, Johnston, & Kronstadt.

On the Los Angeles County Superior Court, his docket consists primarily of civil cases, ranging from employment litigation to contract disputes to intellectual property and other commercial matters. He has overseen some 250 trials, as well as countless pretrial proceedings.

He has amassed a stellar in his almost 9 years on the court: only one of his decisions has ever been reversed. Within the Los Angeles area, Judge Kronstadt is regarded as one of the finest judges on the bench. Fellow judges, litigants, and local lawyers describe him as ''incredibly smart,'' ''very fair,'' ''even-tempered,'' and a ''hard worker'' who ''cares an incredible amount about the jury system.''

He has been a leader on the bench, serving on the court's executive committee, and chairing its Community Outreach Committee, among other positions.

Beyond his educational and professional qualifications, Judge Kronstadt has also shown an impressive dedication to education and the teaching of students throughout his career.

Since 2002, he has spent roughly 1,500 hours as a volunteer with the Constitutional Rights Foundation, including serving as the foundation's president.

This is a nonprofit, nonpartisan organization in Los Angeles that seeks to ''educate young people to become active and responsible participants in our society'' and to teach them about ''the importance of civic participation in a democratic society.''

Judge Kronstadt developed a program for the Foundation known as ''Courtroom to Classroom.'' This program facilitates visits by judges to eighth and eleventh grade public school classrooms throughout the Los Angeles area.

Judges who volunteer provide copies of the Constitution to the students and organize mock trial activities to allow them to experience constitutional law and the courtroom at a young age.

And while in private practice, he developed a training program for the Los Angeles County Bar Association that reached over 1,000 new attorneys.

I am very pleased to support Judge Kronstadt's nomination. He has shown a firm commitment to the rule of law, and a dedication to public service in a variety of ways.

I believe he is eminently qualified to serve on the U.S. District Court for the Central District of California. The Judiciary Committee unanimously reported his nomination last month, and he is much-needed on the central district bench—that court has been designated as a judicial emergency district by the Administrative Office of the U.S. Courts. I thank the leader for bringing his nomination to the floor, and I urge my colleagues to support his nomination.

Mr. SCHUMER. Mr. President, I am proud to support Vincent L. Briccetti, a superb lawyer who will be a brilliant and experienced addition to the bench of the Southern District of New York.

Vince has reached the apex of his profession through sheer hard work and raw intelligence. The son and grandson of Italian butchers, Vince was born in Mt. Kisco, NY, and grew up working in the butcher shop while he went to school, eventually graduating from Columbia University and Fordham University School of Law. He spent many of his summers working as a waiter.

After graduating from law school, he earned a prestigious clerkship with Judge John M. Cannella in the Southern District of New York, and then entered private practice for 2 years. Vince's dedication to the rule of law had already begun, but his public service commenced when he entered the U.S. attorney's office in the Southern District of New York in 1985. For 4 years, he tried an impressive array of cases, including a sweeping tax fraud case that earned him too many awards to list here today. He then became the deputy chief of the Appellate Division of the U.S. Attorneys' Office and defended the office's convictions and practices on appeal.

Following a distinguished career at the prestigious law firm of Paul, Hastings, Janofsky & Walker, he steered his practice back to White Plains and established his own law firm there. For the last 17 years, he has practiced as a criminal defense lawyer in State and Federal court. He has tried approximately 50 cases to verdict or judgment. I have heard from judges and practitioners alike that Vince is a lawyer whose involvement invariably improves the outcome of any specific case with which he is involved and who has in general been one of the Bar's great assets. He has treated his duty as a lawyer to dedicate time to pro bono work—through serving on the local Criminal Justice Act panel—not as an obligation, but as a calling. To quote former Federal district court Judge Stephen C. Robinson's letter to this committee:

> On at least three separate occasions, when I had some doubt as to whether a party before me was receiving adequate and appropriate counsel, I asked Vince to take up the representation. Vince always stood ready to respond to my requests for assistance in the name of justice. I can tell you that all of the judges in our courthouse held Vince in the highest regard.

While he ran his own firm and represented clients, Vince also continued to assist the government by serving as a special prosecutor at the behest of the Westchester County District Attorney when he or she was conflicted out of a prosecution. The current district attorney in Westchester County has commended him as ''possessed of the highest moral character and integrity.''

Everywhere you go in and around New York, you hear superlatives about Vince Briccetti: That he is the very model of an ethical, fair, dedicated lawyer; that while he is a terrific advocate, there is no one you would rather see on the opposite side of a case to ensure a full and fair hearing of the issues at stake; and that he is a dedicated member of the New York community. It will be a tribute not just to Vince but to the bench when we add ''thoughtful and brilliant federal judge'' to the encomia. The time has come to confirm Vince for this judiciary emergency vacancy that has been open for more than 18 months.

Mr. LEAHY. Mr. President, we continue to work to bring down the number of judicial vacancies that have remained at historically alarming levels

for the last 3 years. One in every nine Federal judgeships remains vacant as judicial vacancies stand at 96.

I thank the majority leader for scheduling votes on two more judicial emergency vacancies. Vincent Briccetti has been nominated to fill a judgeship in the Southern District of New York and John Kronstadt to fill a judgeship in the Central District of California. I believe they both could be confirmed unanimously. They were reported by the Judiciary Committee unanimously more than one month ago.

With cooperation from both sides of the aisle, the Senate could consider many more of the 17 judicial nominees currently ready for final action, and could do so before the Senate takes its Easter recess at the end of this week. Doing so would fulfill our responsibility to help address the vacancies crisis that puts at serious risk the ability of Americans to get a fair and timely hearing for their cases in Federal court.

All 17 of the judicial nominations pending on the Senate's Executive Calendar were reported by a majority of the Judiciary Committee after members had an opportunity to review thoroughly extensive materials provided in response to our questionnaire, to question the nominees at a hearing, and to send written follow-up questions to the nominees. All of them are ready for final Senate action. With Federal judicial vacancies continuing to hover around 100, we should act responsibly by voting promptly on these nominations.

Two of the nominees currently awaiting a Senate vote have twice been considered by the Judiciary Committee and twice reported with strong bipartisan support, first last year and again in February. They are Susan Carney of Connecticut to fill a judicial emergency vacancy on the U.S. Court of Appeals for the Second Circuit, and Michael Simon to fill an emergency vacancy on the district court in Oregon. Two of the nominations have been reported favorably by the committee three times—that of Goodwin Liu to fill a judicial emergency vacancy on the Ninth Circuit and that of Jack McConnell, reported with bipartisan support to fill a vacancy on the District of Rhode Island. Another currently pending nomination has been reported favorably four times, that of Judge Edward Chen to a judicial emergency vacancy on the Northern District of California. All of these nominations have long been ready for a Senate vote. So are nominations now pending to fill a judicial vacancy on the DC Circuit, judicial emergency vacancies in Tennessee, Florida and another in New York, two vacancies in Virginia, two vacancies in New Jersey, another vacancy in New York, and a vacancy on the district court for the Northern Mariana Islands.

It is actually a sign of progress that we are today proceeding to confirm two judicial nominees reported last month. I hope that we can work to restore regular order in considering judicial nominations and that, at a minimum, the Senate will be allowed to proceed before the recess to confirm those judicial nominations reported with bipartisan support. All 17 of the pending nominees have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution. All should have an up or down vote after being considered by the Judiciary Committee, and without weeks of needless delay.

If we join together we can make real progress by considering all of the judicial nominations now on the Senate's Executive Calendar. If the Senate were to take favorable action on the 17 judicial nominations currently pending and awaiting final Senate consideration, we could reduce vacancies to below 90. In fact, we would be able to reduce them below 80 for the first time since July 2009.

Federal judicial vacancies around the country still number too many, and they have persisted for too long. Whereas the Democratic majority in the Senate reduced vacancies from 110 to 60 in President Bush's first 2 years, judicial vacancies still number 96 more than 26 months into President Obama's term. By now, judicial vacancies should have been cut in half, but we have barely kept up with attrition.

Regrettably, the Senate has not reduced vacancies dramatically as we did during the Bush administration. In fact, the Senate has reversed course during the Obama administration, with the slow pace of confirmations keeping judicial vacancies at crisis levels. Over the 8 years of the Bush administration, from 2001 to 2009, we reduced judicial vacancies from 110 to a low of 34. That has now been reversed, with vacancies staying above 90 since August 2009. The vacancy rate—which was reduced from 10 percent at the end of President Clinton's term, to 6 percent by this date in President Bush's third year, and ultimately to less than 4 percent in 2008—has now swelled to nearly 11 percent.

The two nominations we consider today demonstrate that there is no reason the Senate cannot consider and confirm the President's nominations to the Federal bench in a timely manner. Both nominees show President Obama's commitment to working with home State Senators to identify superbly qualified nominees in districts with vacancies. I thank Senators FEINSTEIN, BOXER, SCHUMER and GILLIBRAND for working with President Obama on these nominations and congratulate them along with the nominees and their families.

Judge John Kronstadt has been nominated to fill a judicial emergency vacancy in the Central District of California. He currently serves on the Los Angeles County Superior Court and previously spent 24 years in private practice. Judge Kronstadt earned his B.A. from Cornell University and his J.D. from Yale Law School. The Judiciary Committee reported his nomination unanimously on March 10.

Vincent Briccetti has been nominated to fill a judicial emergency vacancy in the Southern District of New York. An attorney for the past 30 years, Mr. Briccetti has spent time in private practice and as a Federal prosecutor. He was unanimously rated by the American Bar Association's Standing Committee on the Federal Judiciary as well qualified to serve on the district court. Mr. Briccetti earned his B.A. from Columbia University and his J.D. from Fordham University School of Law. The Judiciary Committee also reported his nomination unanimously on March 10.

I have thanked the ranking Republican on the Judiciary Committee, Senator GRASSLEY, for his cooperation this year. I see him taking credit for what he calls ''our rapid pace.'' I am glad to see him echo my call to turn the page and end the days of tit for tat on judicial nominations. That is what I did from the first days of the Bush administration in spite of how President Clinton's nominees had been treated.

We have a long way to go to do as well as we did during President Bush's first term, when we confirmed 205 of his judicial nominations, bringing the vacancy rate down from 10 percent to just over 4 percent. We confirmed 100 of those judicial nominations during the 17 months I was chairman during President Bush's first 2 years in office. So far, well into President Obama's third year in office, the Senate has only been allowed to consider 77 of President Obama's Federal circuit and district court nominees. We remain well short of the benchmarks we set during the Bush administration.

The Senate must do better. We must work together to ensure that the Federal judiciary has the judges it needs to provide justice to Americans in courts throughout the country. Judicial vacancies on courts throughout the country hinder the Federal judiciary's ability to fulfill its constitutional role. They create a backlog of cases that prevents people from having their day in court. This is unacceptable.That is why Chief Justice Roberts, Attorney General Holder, White House Counsel Bob Bauer and many others—including the President of the United States—have spoken out and urged the Senate to act. I hope that we will follow their advice and make progress to ensure that the Federal courts are able to function for all Americans.

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. CORNYN. 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. CORNYN. Mr. President, I yield back time on both sides.

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

The nomination of Vincent L. Briccetti, of New York, to be United States District Judge for the Southern District of New York, is confirmed.

The question is, Will the Senate advise and consent to the nomination of John A. Kronstadt, of California, to be United States District Judge for the Central District of California?

Mr. CORNYN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant editor of the Daily Digest called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. GRAHAM), the Senator from Louisiana (Mr. VITTER), and the Senator from Mississippi (Mr. WICKER).

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

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

[Rollcall Vote No. 58 Ex.]

YEAS—96

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

NOT VOTING—4

Burr	Vitter
Graham	Wicker

The nomination was confirmed.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that at 2:15 today the Senate proceed to morning business, for debate only, until 5 p.m. today, with Senators permitted to speak therein for up to 10 minutes each.

At 2:15, the Senator from Wisconsin, Mr. JOHNSON, will be recognized for up to 20 minutes for the purpose of his maiden speech. Further, at 5 p.m., I ask unanimous consent that I be recognized.

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

Mr. REID. Mr. President, I have spoken to my counterpart, Senator MCCONNELL, this morning. We hope to get an agreement on a way to move forward on the small business bill. There are a few issues outstanding and we would like to get that done. We are going to do our utmost to get an agreement and complete that bill.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed and reassembled at 2:15 p.m., when called to order by the Presiding Officer (Mr. WEBB).

The PRESIDING OFFICER. The Senator from Wisconsin.

PRESERVING AMERICA'S FREEDOM

Mr. JOHNSON of Wisconsin. Mr. President, it is my honor to represent the good people of Wisconsin in the Senate. It is an awesome responsibility—a responsibility I take very seriously.

Today it is my distinct privilege to address this historic body for the first time. It is a moment in time when our Nation is in peril. Not only do we continue to face the very real threat of international terrorism, but we also face a threat of our own making, one that challenges the very foundation of this Republic.

Our Nation was founded on the basis of God-given rights and individual liberty. The genius of our Founding Fathers' vision was rooted in their recognition that more often than not government was something to fear. Government necessarily limited individual freedom and, therefore, government itself must be limited—its potential for growth highly constrained.

During America's first century, this vision was largely upheld. The last century, however, has been an entirely different story. In 1902, the Federal Government spent 2 percent of the Nation's gross domestic product; State and local governments spent 5 percent. Government was close to the governed. The size, scope, and cost of the Federal Government was constrained by the Constitution's enumerated powers. The individual was preeminent, and government's role was modest and pedestrian.

This body played a key role in limiting Federal Government expansion. Debate in the Senate was unlimited. The cloture vote did not exist. As George Washington had said, the Senate was the saucer that cooled the tea.

All that changed in the 20th century's second decade. The Senate adopted the cloture vote and America adopted the 16th amendment. The Federal Government now had the power to tax income, and the Senate had made it easier for government to grow. And guess what. Government grew.

It did grow in reaction to real problems. Trusts had been formed that concentrated power and created monopolies that threatened free markets. Capital did exert too much power over labor. Balance was needed. As our Nation's prosperity grew, the elimination of poverty and retirement insecurity became a public responsibility. Private charity was simply deemed not up to the task. So government acted and government grew.

From 2 percent in 1902 to today, where the Federal Government spends 25 percent of our Nation's economy, and combined all levels of government in the United States now consume 39 percent. By comparison, the size of government in Norway is 40 percent; in Greece it is 47 percent; and in France, 53 percent. In the end, I don't believe Americans want to be like France or Greece. We haven't reached that tipping point yet, but we are extremely close.

There is a reason America holds 5 percent of the world's population and yet accounts for 24 percent of the world's GDP. It is because of freedom, the free market system and the American people. America became a land of unlimited opportunity because we were a nation of self-reliant people. Hard work was valued, personal responsibility expected, and success was celebrated, not demonized. I grew up in that America.

I am very sad to say what I have witnessed during my lifetime is a slow but steady drift and, I would argue, over the last 2 years a lurch toward a culture of entitlement and dependency. This is not an America I recognize. It is not an America that will work.

Even worse, we have granted entitlements and encouraged dependency with little thought as to how we would pay for it. We have racked up enormous debt, and now the bill is coming due. Time is running out.

Last week, the government almost shut down because we were arguing over a few billion dollars, but our debt and deficits are measured in the trillions. Our problem is a thousand times larger than the current debate. Most of us recognize this is simply unsustainable. Most of us know what programs need to be reformed. Most of us want to fix the problem. So let's start addressing these issues now before it is too late.

These are enormous problems and it is easy to become pessimistic, but

there is reason to be hopeful. I have done a fair amount of traveling throughout Wisconsin over the last year, speaking to all kinds of people—Republicans, Democrats, union members, tea party folks. I talked about America, about how incredibly precious and exceptional it is, and how I fear we may be losing it.

What I will never forget is how many people came up to me after my speeches with tears in their eyes or tears running down their cheeks—not because I am a great public speaker but because people love this country. Their political affiliation makes absolutely no difference. Americans want this Nation preserved, and they are counting on us to do just that.

The good news is they will support us if we make the hard choices together. So together let's roll up our sleeves and do what needs to be done.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I congratulate our new Senator from Wisconsin, a very important addition to our caucus and to the Senate—a man who has actually run a business, actually employed people and created wealth in his State and our country. Having someone in the Senate who knows how to do that at this critical moment is absolutely essential, and I congratulate the new junior Senator from Wisconsin.

The PRESIDING OFFICER. The senior Senator from Wyoming.

Mr. ENZI. Mr. President, I would like to congratulate the other accountant in the Senate. It is nice to have additional help with numbers. It will make a tremendous difference.

He has had both the business experience and the accounting experience, and he understands a lot of things that to us in the Senate are pretty simple but to the person working on the ground it is very difficult. He is good at expressing himself and, as I said, particularly good with numbers. So I congratulate him on his maiden speech.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I 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.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Vermont.

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

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

BUDGET PRIORITIES

Mr. SANDERS. Mr. President, we are at an extraordinary crossroads in American history, both from a moral perspective as well as an economic perspective.

The reality today, as I think most Americans understand, is that the middle class of our country is collapsing. Over the last 10 years, median family income has gone down by $2,500. Millions of Americans who have lost their jobs secured new jobs at substantially lower pay. Younger workers are finding it very hard to get a job at a livable wage.

Furthermore, what we don't talk about terribly often here on the floor of the Senate or certainly in the corporate media is the rather unfortunate reality that in the United States, we have the most unequal distribution of income and of wealth of any major country on Earth. Today, the top 1 percent of earners make 23 percent of all income. The top 1 percent earn 23 percent of every dollar, and that is more than the bottom 50 percent. The top 1 percent make more money than the bottom 50 percent. The percentage of income going to the top 1 percent has nearly tripled—nearly tripled—since the 1970s. Between 1980 and 2005, 80 percent—80 percent—of all new income in America went to the top 1 percent.

Today, when we talk about distribution of wealth—not income—the numbers are, frankly, beyond belief. Today in America, if my colleagues can believe it, the wealthiest 400 Americans—400 Americans, a very small number out of a nation of over 300 million people—own more wealth than the bottom 150 million Americans. So 400 on one side, 150 million on the other, and that gap between the very, very rich and everybody else is growing wider.

I don't have to describe economically what is going on in this country because almost everybody understands it. Real unemployment today is not 8.9 percent; it is closer to 16 percent. Today in America, 50 million people have no health insurance. Today in America, seniors and disabled vets understand they have not received a Social Security COLA in 3 years.

So what we start with when we look at America today is a middle class which is disappearing, poverty which is increasing, and the people on top doing phenomenally well. Given that reality, one might think the Congress would be actively involved in trying to protect the middle class and working families and lower income people, but if one believed that, one would be sorely mistaken.

Just last December, 4 months ago, Congress passed legislation to provide huge tax breaks for millionaires and billionaires by extending the Bush tax cuts to the top 2 percent and by even more by lowering the estate tax for the top three-tenths of 1 percent. So at a time when the people on top are already doing phenomenally well, what Congress did against my vote in December was make the wealthiest people even wealthier.

Four months ago, after giving huge tax breaks to millionaires and billionaires and growing the deficit, our Republican friends and some Democrats come back and they say: Well, now we have a real deficit problem. We made the problem worse in December, so now we really have to deal with the deficit, and we are going to do it by making devastating cuts to programs that low- and moderate-income Americans desperately depend upon.

What we are looking at is the Robin Hood principle in reverse: We are taking from working families who are struggling to survive—taking hundreds of billions of dollars and giving it to millionaires and billionaires. In my view, this is grossly immoral, and it is also very bad economics.

Let me touch on some of the cuts that are coming down the pike in this, the 2011 budget. At a time of soaring fuel prices—in the State of Vermont and I am sure in Minnesota, a lot of people heat with oil—the cost is going up. The Low Income Home Energy Assistance Program, LIHEAP, would be cut by $390 million. In Vermont, many of the people who use the LIHEAP program are low-income senior citizens. So we give tax breaks to billionaires, and we go after low-income senior citizens and say: Sorry, you may have to go cold.

At a time when the cost of college education is getting unaffordable for many low- and moderate-income families in this country—hundreds of thousands of young people have given up their college dream because of the high cost of college—Pell grants would be reduced by an estimated $35 billion over 10 years, including a nearly $500 million cut this year, and Pell grants are the major source of Federal funding to help low- and moderate-income college students go to school.

At a time when 50 million Americans have no health insurance, community health centers would be cut by $600 million. This is an issue on which I have worked very, very hard. Community health centers provide access to primary health care, dental care, low-cost prescription drugs, and mental health counseling for some 20 million Americans right now. Our hope was to expand that to 40 million Americans. When we do that, we save money because people do not end up in the emergency room; they do not end up in the hospital sicker than they should have been. So $600 million for community health centers was cut. The Children's Health Insurance Program was cut by $3.5 billion.

At a time when poverty is increasing, the WIC Program—women, infants, and children—a nutrition program for pregnant women and children, will be cut by $500 million.

At a time when we have such high unemployment rates and we want to put Americans to work rebuilding our crumbling infrastructure, including our rail system, which is now far behind Europe, Japan, and even China, Federal funding for high-speed rail will be eliminated in the budget we are going to be voting on very soon, representing a cut of $2.9 billion. Public

transportation would be cut by nearly $1 billion—a 20-percent reduction.

I know in Vermont, and I expect all over this country, local communities are struggling with their budgets. Police departments are not getting the budgets and the manpower they need. Yet, in this budget we will be voting on, local law enforcement funding would be cut by $296 million.

At a time when homelessness is increasing, when we need more low-income housing, public housing would be cut by $605 million.

That is the 2011 budget agreement that was just reached a few days ago. What is absolutely incredible about that budget is that deficit reduction falls totally on the backs of low-and moderate-income families, on people who will not be able to get health care at community health centers, young people who will not be able to go to college, and senior citizens who will not be able to heat their homes in the wintertime. That is where this budget is balanced—on the backs of the weak, the vulnerable, the children, the elderly, and the poor. Yet, at the same time as the wealthiest people are becoming wealthier, this budget does not ask for one penny—not one penny—from millionaires and billionaires.

At a time when major corporation after major corporation enjoys huge tax loopholes—so not only do they avoid paying any Federal income taxes, but in many cases, such as General Electric, they actually get a rebate from the IRS—this budget does not ask corporate America to pay one penny more in corporate income taxes.

That is where we are with the 2011 budget, and now we are looking in a short period of time at the 2012 budget. If my colleagues think this 2011 budget is a moral and economic disgrace, wait until we hear what this 2012 budget, the so-called Paul Ryan tea party budget, which, as I understand it, will be voted upon in the House, likely passing later this week—that budget will slash trillions of dollars from Medicare, converting Medicare into a voucher program, meaning that seniors will have to pay substantially more for their health care than they currently do. The interesting question that has not yet been answered about this is, if you will be—when this Ryan budget would go into effect—a senior citizen living on $14,000 or $15,000 a year, which millions of seniors currently live on, how are you going to be able to come up with thousands and thousands of dollars to pay for your cancer treatment or the other problems senior citizens have? There is no money available for you to do it.

What Ryan's budget does is demand that low-income seniors pay with money they don't have. I am not sure I have heard the answer to the question: If you are a low-income citizen and you are asked to come up with thousands of dollars, and you don't have that money, what do you do? The Ryan budget would savage Medicaid, education, the environment, infrastructure, and other programs that tens of millions of Americans depend upon.

Here is the kicker. We savage Medicare, Medicaid, education, and many other programs that moderate and middle-class families depend upon in order to give even more tax breaks to the wealthiest people in this country and the largest corporations. After savaging health care in America for middle and low-income families, the Ryan budget would reduce the tax rates for the wealthiest people in this country from 35 to 25 percent, and it would cut corporate income taxes to the same level, from 35 to 25 percent.

I suspect there are people listening to me who don't believe that: Come on, you are not serious; at a time when the middle class is collapsing and the rich are getting richer, you are not telling me that the House is about to vote on a budget that will give huge tax breaks to millionaires and billionaires and throw millions more off of health care—you are not serious. Check it out. I am serious. This is what the Ryan tea party budget, which will likely pass the House, will do.

As I began saying, we are at a pivotal moment in the modern history of this country. That question is whether we move, in a sense, into an oligarchic form of society, where a few people on top have incredible amounts of wealth and incredible amounts of political power, while the middle class disappears and poverty increases. That is where we are right now.

I hope very much the American people engage in this debate and tell Members of the Senate and the House that it is morally wrong and very poor economics to cut back on programs that are desperately needed by working families, while giving huge tax breaks to people who absolutely don't need them.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Mr. President, I rise to discuss the issue of our budget. Later this week, the House will vote on its fiscal year 2012 budget resolution. Congressman PAUL RYAN, the author of that blueprint, calls it a path to prosperity.

Mr. INHOFE. Would the Senator yield for a question?

Mr. SCHUMER. I will be glad to yield to the Senator.

Mr. INHOFE. I was scheduled to be speak at 4 o'clock. At the conclusion of the Senator's remarks, would the Senator request that I be recognized as in morning business for up to 30 minutes?

Mr. SCHUMER. Mr. President, I move that immediately after I finish speaking, the Senator—well, we had a Member who was going to go speak after you did. Could the Senator limit his speech to 15 minutes or——

Mr. INHOFE. No, sir, I could not. I have to have 30 minutes. The floor has been pretty empty today.

Mr. SCHUMER. OK. Mr. President, I ask unanimous consent that immediately after I finish, Senator INHOFE be recognized for up to 30 minutes, and then Senator FRANKEN be recognized immediately after Senator INHOFE.

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

Mr. SCHUMER. So Mr. President, resuming my remarks, PAUL RYAN, the author of that blueprint, called it the path to prosperity. It may be a path to austerity, but it is hardly a path to prosperity.

Nonetheless, with the negotiations finished just days ago on last year's budget, Congressman RYAN has succeeded in jump-starting the debate about next year's. The President himself will join this conversation about how to do long-term deficit reduction in a major address tomorrow at GWU—George Washington University. This is a debate we must have, and the President's entrance into it comes not a moment too soon. It will make for a powerful contrast with the Republicans' plan.

The contrast we will hear from our President tomorrow will likely not be in the commitment to deficit reduction. PAUL RYAN's goal in his budget is to trim the deficit by $1.6 trillion over the next 10 years. He does not succeed in meeting this target, according to CBO. In fact, budget experts say his proposal only achieves $155 billion in net deficit reduction. But the number itself is not the issue. Without a doubt, we must be ambitious in setting a target for deficit reduction. We cannot be gun-shy about achieving fiscal discipline. So, no, the contrast will not be in how much we seek to reduce the deficit, it will be in how we go about doing so.

The Republicans would like the looming debate to be one about numbers, but, instead, it will be about priorities. The Ryan budget has all the wrong priorities.

The House Republican budget puts the entire burden of reducing the deficit on senior citizens, students, and middle-class families. At the same time, it protects corporate subsidies for oil companies, let's waste at the Pentagon go untouched, and would give even more tax breaks to the millionaires amongst us. In short, the Ryan budget puts the middle class last instead of first. As a result, it will never pass the Senate.

In the days since he first rolled out his budget proposal, Congressman RYAN has been hailed for taking on the tough challenges, and we certainly salute him for putting out a plan. But a closer look at his proposal shows that

it is not bold at all. In leaving Pentagon spending and revenues completely untouched, Ryan's budget hews exactly to his party's orthodoxy.

Some of the columns I read say it takes courage. Well, maybe it takes courage for someone who has a different political philosophy to say what he said but not for a conservative Republican to say what he said. It does not gore a single Republican ox. It is a rigid ideological document.

Consider what Congressman RYAN wants to do on Medicare. In the name of ideology, PAUL RYAN's budget proposes getting rid of Medicare as it exists today and replacing it with a private system that would cut benefits. We have seen this movie before. Five years ago, President Bush tried to sell the country on a plan to privatize Social Security. The public rejected it. If they didn't like what President Bush tried to do to Social Security, just wait until they see what PAUL RYAN and the House Republicans want to do to Medicare. Their budget plan proposes putting the Medicare system into the hands of private insurance companies. That is a recipe for disaster. It would mean an end to Medicare as we know it.

Beginning in 2022, Americans turning 65 would no longer be enrolled in Medicare but, instead, would receive a voucher to go shopping for their own health insurance on the open market. Insurance companies, however, would not be required to honor that voucher, which would average about $8,000. Many private insurance plans for seniors far exceed that price already today. Under the Ryan plan, seniors who cannot find an affordable plan at the value of their voucher will simply have to make up the difference themselves out of their own pockets.

This problem would only worsen over time as health care costs rise. Ryan caps Medicare spending at the level of inflation, even though health care costs rise higher than that historically. As Ryan's voucher covers a smaller and smaller fraction of actual health care costs, seniors would have to cover the gap out of pocket.

That is why Alice Rivlin, a Democrat and President Clinton's former OMB Director who worked with Congressman RYAN on his approach for a time, has distanced herself from this final product. She told the Washington Post she opposes the Ryan plan:

> In the Ryan version he has lowered the rate of growth and I don't think that's defensible. It pushed too much of the costs onto the beneficiaries.

Let me repeat that last part of the statement of Alice Rivlin, Congressman RYAN's partner for a time in this proposal. She writes:

> It pushed too much of the cost onto the beneficiaries.

Other Medicare experts agree with Rivlin. Stephen Zuckerman, a health care economist at the nonpartisan Urban Institute, said:

> The most serious flaw is that the focus of that approach is on limiting Federal spending on Medicare without concern about the potential of this change to shift costs to Medicare beneficiaries.

A better way to rein in Medicare spending would be to trim the waste and inefficiency out of the delivery system. Anyone who has gone through the health care system knows all the waste and inefficiencies—the legendary stories of a doctor waving as you go into the emergency room and you never see him again, and then there is a $4,000 charge, these kinds of things. But it turns out that RYAN's plan does nothing to reduce overall health care costs. It increases them. We have to preserve the benefits to people but make the cost of delivering them less expensive. That is what every other country in the world does. That is what we have to do.

The Ryan plan does not do that. The Ryan plan not only does not try to eliminate the waste and inefficiency out of the delivery system, it does nothing to reduce overall health care costs. It actually increases them.

According to the nonpartisan Congressional Budget Office, in 2030 traditional Medicare insurance would cost just 60 percent of a private policy purchased with RYAN's voucher. In other words, the Ryan health care plan would cost two-thirds more than traditional Medicare. Not only would the Ryan plan increase insurance costs, it would force seniors to shoulder a higher share of these costs.

CBO said—this is CBO not CHUCK SCHUMER, the nonpartisan CBO:

> Under the proposal, most elderly people who would be entitled to premium support payments would pay more for their health care than they would pay under the current Medicare system.

How much more? It is staggering when you look at the numbers. Here they are, the seniors' share of health care costs. We know even with Medicare seniors have to pay some of it themselves, but now they pay 25 percent; under the Ryan budget, 68 percent. So there is this voucher, and it goes to the insurance companies, health care costs more, and seniors pay more. Why the heck would we do that?

This is a crippling burden that would drive the average Medicare recipient into poverty. It is not only too much to ask for our seniors, it destroys the foundation of our health care system.

Madam President, just to check on the time, I believe I said after I finished I asked unanimous consent that Senator INHOFE would follow me.

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes. Did the Senator wish for more than 10 minutes?

Mr. SCHUMER. I did, and that was the intention of my unanimous consent request.

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

Mr. SCHUMER. The bottom line is the House Republican budget would cause the cost of health insurance to rise and then would make seniors pay a greater share of that higher cost. It is a cut in benefits plans, plain and simple. If we are serious about reining in Medicare spending, there is a far better starting place than the Ryan budget. It is the health care law passed by Congress last year. Republicans are patting themselves on the back lately for leading on entitlement reform. When it comes to reining in the runaway costs of Medicare, the truth is the President did it first, and he did it better.

In the health care law, we certainly did not complete the job, but we made a good start on reducing waste and inefficiency and duplication in the system. We started down the path of making delivery system reforms. We set up a system for studying the effectiveness of different methods and treatments so that care could be delivered more efficiently. We made a downpayment on shifting the larger health care system away from a fee-for-service model toward a system that pays providers for episodes of care.

The Ryan proposal adopts none of these cost-saving approaches. In fact, his budget calls for the repeal of the health care law altogether. Left unsaid is that this would have the side effect of reopening the doughnut hole, another hit to Medicare beneficiaries.

If the Ryan budget's only goal was to end Medicare, that would be ample cause to work tooth and nail to defeat it, but the Ryan budget doesn't even put most of its savings from ending Medicare toward deficit reduction. Amazingly, it cuts Medicare, ends Medicare as we know it, and takes whatever savings it produces and gives more tax breaks to the wealthiest Americans. That is right. RYAN's budget not only seeks to permanently extend President Bush's tax cuts for millionaires, he wants to cut their taxes even lower than the Bush levels.

In fact, under the Ryan proposal millionaires would pay a rate so low that it was last seen in the days of Herbert Hoover. What about shared sacrifice? As unbelievable as it sounds, Congressman RYAN wants to give millionaires and billionaires an extra tax break. Ryan's budget proposal would bring down the top rate from 35 percent to 25 percent for those who are very wealthy. This would make for the lowest level of taxing the wealthiest among us since 1931 when the Great Depression was raging and Herbert Hoover was President. This is the trade Congressman RYAN proposes we make: Cut Medicare benefits for seniors so we can afford to give millionaires an extra tax break.

This is exactly the opposite of what the public wants. They don't think the millionaires and billionaires should even be getting George Bush's tax cut, let alone an extra one on top of that. I have nothing against millionaires and billionaires, God bless them. Many of them made their money the good old-fashioned way, but they don't need a tax break when we are cutting health

care and everything else. Most Americans agree with me.

In last month's NBC Wall Street Journal poll that asked Americans what proposals they most support to reduce the deficit, 81 percent of Americans, including a majority of Republicans, as I recall, said they would support a tax on millionaires, the highest polling answer. One of the lowest polling answers was—you guessed it—cutting Medicare benefits. So the Ryan budget has its priorities completely upside-down.

You may ask, if Congressman RYAN puts all his savings from Medicare into millionaire tax breaks, how does he propose to achieve any deficit reduction? The answer is, by targeting the programs most important to the middle class.

It turns out that the Republican plan to end Medicare is also a plan to end other important programs. For example, the Republican plan to end Medicare is, additionally, also a plan to cut tens of thousands of teachers. The Republican plan to end Medicare is, additionally, also a plan to cut Head Start for kids. The Republican plan to end Medicare is, additionally, also a plan to cut medical research on diseases such as cancer. The Republican plan to end Medicare is, additionally, also a plan to cut clean energy projects that create jobs and help us become energy independent.

In all, the Ryan plan assumes a steady squeezing of government until, by 2050, the total cost of everything, save for Social Security and health care, is shrunk from 12 percent of the GDP to just 3 percent. But he doesn't spell out a single detail of how to achieve those cuts. He has a number but no specifics. That is the definition of a meat ax approach as opposed to an approach that uses a smart, sharp scalpel.

Even though the Ryan plan doesn't spell out where the cuts would come from to meet his goal, it isn't a total mystery. We can fill in the blanks. The just completed debate on the 2011 fiscal budget offers plenty of hints on the Republican approach to cutting spending. In the debate we just had, Republicans wanted to cut the very programs that create good-paying jobs and help the middle class. They targeted everything from cancer research to financial aid to college. We fended off many of their worst cuts by successfully pushing Republicans to include $17 billion in cuts from the mandatory side. We also got them to agree to reduce Pentagon spending by nearly $3 billion compared to their original budget. This was not the Republican's preferred way to reduce the deficit. Because of ideology, they disproportionately targeted the domestic discretionary part of the budget for cutting.

But our deficit problems weren't caused by Head Start and cancer research, and we won't fix them by going after Head Start and cancer research. In the budget debates to come, we need to broaden the playing field beyond domestic discretionary spending. We should include, for instance, waste in the Defense Department. The Pentagon makes up half of the discretionary side of the budget, but Republicans continue to treat it as off limits. RYAN himself leaves it virtually untouched save for a symbolic trim. To say there isn't waste at the Pentagon like there is waste everywhere else in the budget is absurd.

The bottom line is, any budget that leaves defense and revenues off the table is ultimately not serious. We need an all-of-the-above approach that puts all parts of the budget on the table. A dollar cut from mandatory spending or the Pentagon is just as good as a dollar cut from nondefense discretionary spending.

Deficit reduction is an important goal, but the sacrifice must be shared. The Ryan budget fails that test. The Democratic Senate will not stand for any proposals that seek to balance the budget on the backs of the middle class and seniors. I look forward to hearing the President's remarks tomorrow. As for Congressman RYAN, I encourage him to go back to the drawing board and come up with a fairer, more balanced plan.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Madam President, let me thank my good friend from New York for allowing me to have this time. I do appreciate his generosity. I have to say, I don't agree with what he said, but that comes as no surprise to my friend from New York. I will only make one comment. One statement I heard him say toward the end of his remarks was that every other country in the world would do it this way. That is the whole crux of it right there. I often wonder if you look at the other countries, they are all trying to get to our system. They all envy America for its system of freedom, of health delivery. We wonder sometimes if government-run health care is bad—and that is what this is; that is what the Obama administration is trying to do—if it is better, then why doesn't it work anywhere? I have often looked at this. It doesn't work in Canada, Denmark, the UK. It doesn't work in any of the other places. Yet they always say: It will work here. A lot of my liberal friends say: If I were running it, it would work. We have a great system.

I guess a little class warfare is healthy now and then, and we had a little bit of that in the last few minutes.

SUB-SAHARAN AFRICA

Mr. INHOFE. Madam President, I am going to be very offensive right now to a lot of people, certainly to the Ouattara group, the rebels taking over in Cote d'Ivoire. I am going to be offensive to the United Nations. I am going to be offensive to the French and to our own State Department.

This little girl is named Zegita Marie Rapert. Zegita is an Ethiopian name. It means God's grace. This little girl we found. She is only 2 days old. I happened to be in Ethiopia. She was an orphan. And my daughter Molly—in fact, I should hold this up. These are my 20 kids and grandkids. My daughter Molly had nothing but boys. So she adopted Zegita Marie. She came up to me the other day, that little girl—she was 2 days old when we first saw her. She is now 10 years old. She reads at a college level. She is a brilliant little girl. She came up to me the other day and Pappi—let me explain that. I is for Inhofe. That is me. So it is Momma and Pappi. She said: Pappi, why do you things nobody else would do. I said: That is why I do it.

Zegita Marie got her answer, and that is the reason I am talking today. I happen to be familiar with Africa. I have been for quite some time. I am on the Senate Armed Services Committee. I think they consider me the point man for Africa. We started working with Africa back at 9/11. At 9/11 we made a decision that while the squeeze in terrorism in the Middle East is going down through Djibouti and the Horn of Africa, we need to help the Africans build African brigades, supply them, help send their officers to the United States to train. It was a good program. I sometimes kind of joked around by saying, since I was the only member of the Senate Armed Services Committee who knew where Africa was, I took it on.

Anyway, I do have a background in Africa. For that reason, I am going to speak for the fifth time on the crisis. Cote d'Ivoire is a West African country. We have been reading about it. It is sub-Sahara Africa. Nobody cares about sub-Sahara Africa. They do care about Libya but not sub-Sahara Africa. Anyway, the news is reporting that President Gbagbo and his wife Simone were captured yesterday by the French military forces acting with the rebel forces of Alassane Ouattara. There is a videotape of both the President and First Lady in custody. According to the BBC and Reuters, after the U.N. and the French helicopters repeatedly attacked the Presidential palace, French special forces stormed the building with up to 20 French tanks and armored vehicles. They took them both from the Presidential palace to the Golf Hotel, killing untold hundreds or thousands of people.

This right here is a picture that was taken. This is a helicopter, a United Nations helicopter. It was encouraged to be used by the French. The French said: We authorize you. We are going to send our troops in there with you. We are going to do whatever they are doing. This is the capital of Cote d'Ivoire, where they are hitting targets. That is an area where they have a lot of their ordinance. I have been there. I have seen it. They are all scattered. You have little huts with galvanized steel roofs over them with countless, hundreds and hundreds of people.

They are all dead. They have to be. They can't live. There it is. That is a picture of it. To give you an idea of what is happening, there it is. They were peppering the entire town.

I don't know why. Here I am a Member of the Senate, and I can't get even our State Department to look into how many people they murdered that night. That was Monday night. A week ago tonight is when that happened. We don't know. But they were murdered. I am thankful that both the President and the First Lady are still alive, but they have been brutally mutilated. I condemn, however, the use of so-called peacekeeping forces, made up of United Nations and French forces, in the attacks on Abidjan and the Presidential palace. These forces have caused countless deaths in the densely populated city of Abidjan, a city of 4 million people. I hope every President of sub-Sahara Africa is watching right now. What happened there could happen to any country in sub-Sahara Africa.

Africa has 52 countries. I think 41 of those are sub-Sahara Africa. The multiple firings of United Nations and French missiles into downtown Abidjan are like firing missiles into downtown New York City. You don't know how many people are dead and won't know for a long time. Who knows how many hundreds if not thousands of innocent people were killed as a result of the U.N. and the French bombing a week ago tonight. This is not peacekeeping. This is war making. This is not the role of the United Nations. I question why the French are participating in this battle.

The African Union has also condemned this foreign military intervention. Why don't we listen to Africa. Africa for many years was used. They were abused. They were abused by colonialism. Certainly no one was worse or more offensive than the French. But they don't listen to Africa.

I called up a good friend, President Museveni of Uganda, and asked him what he thought. He had the courage to put something down in writing which I will read. This is from President Museveni, an east African country, not West Africa like Cote d'Ivoire.

He said:

> I have not been happy with the way the United Nations and International Community, especially the French, have responded to the events of the post election Ivory Coast. I desired that it would have been ideal for a thorough Investigation into the alleged election rigging and it be done by a credible and independent body under the African Union leadership and guidance instead of violently forcing the Laurent Gbagbo out of power without a hearing. I am not pleased with the way the international community can sanction a situation of blood bath in the domestic affairs of African Countries.

I am halfway through reading what he said here. Why aren't we listening to Africans. He is not the only one. I think every African President would agree with what I am reading right now.

He went on to say:

> I would prefer a peaceful intervention by an African Union committee that would investigate into the matter, give the parties a fair hearing and come out with a workable recommendation that can promote peace and stability in the region. The recommendation would include the possibility of a peaceful and conciliatory settlement toward a power-sharing deal as was done in the case of Kenya and Zimbabwe.

We all know about that.

> At this point, I believe he would be happy to have a team of capable African leaders chosen under the auspices of the African Union to work on a peaceful end to the conflict in the Ivory Coast. I believe that the African Union must be given the opportunity to handle the matter in-house. I am of course not pleased with the way the U.N. and International Community has directly thrown their weight in support of Alassane Ouattara and now recognizing him as president.

This is the from the President of Uganda. I have talked personally to many other presidents. I could be quoting all of them right now, but essentially that is a statement to which they all agree.

I have been informed that this reflects the current sentiment of the African Union too, actually including the current AU Chairman Obiang, who condemned the foreign military intervention in Cote d'Ivoire saying that ''Africa does not need external influence. Africa must manage its own affairs.''

That is what the Africans said. That is President Obiang. President Obiang is the President of the African Union.

The Kenyan Prime Minister Odinga, who happens to be here, and I will be meeting with him in a few minutes, was quoted yesterday as saying President Gbagbo:

> has been captured and I say that he should not be hurt. I have actually already sent word to Mr. Ouattara saying that Gbagbo should not be hurt. If he wants to go out into exile he should be allowed to go into exile but he needs to be treated humanely.

That is all I am asking our State Department and the United Nations to do. And they won't do it.

I have warned the U.N. and the French on the floor four times in the past week that they would have blood on their hands if they continued supporting the rebel forces of Alassane Ouattara and continued the bombing of the capital of Cote d'Ivoire, Abidjan and did not agree to an immediate cease-fire.

That is what has happened over the last the week, 10 days. I said on April 4—I am quoting myself now. On the floor, standing right here at this podium I said:

> I think we can avert a real tragedy, something maybe comparable to what happened in 1994 in Rwanda with that genocide.

We all remember that. We also remember that we were warned—we weren't warned but the United Nations was, the Secretary General, we now know, was warned that the genocide was going to take place in 1994 in Rwanda, where 800,000 people were hacked to death with machetes. The world stood idly by. That is sub-Sahara Africa. Nobody cared.

I called for a cease-fire in Abidjan. No one responded. This was 8 days ago.

I wonder sometimes why is it nobody cares about sub-Sahara Africa. I remember back in 1998, when, under President Clinton, they were going to send troops into Kosovo and the excuse they were using at that time was ethnic cleansing. I said on this Senate floor, why is it we are all concerned about ethnic cleansing in Kosovo. For every one person in Kosovo who has been ethnically cleansed on a given day, 100 in any one country in sub-Sahara Africa have. But nobody cares about sub-Sahara Africa. Why is there no outcry for these millions of people who are being brutally murdered in other places in the world?

I have to say this—and I know I am repeating what I said in 1998 on the floor—and I know it is very unpopular, but I will quote a guy whose name is Roger Wilkens, professor of history and American culture at George Mason University. He said:

> I think it is pretty clear U.S. foreign policy is geared to the European American sensibility which takes the lives of white people much more seriously than the lives of people who are not white.

What is he saying there? I think I know what he is saying.

> But no one mobilized on behalf of perhaps 500 people who were shot, hacked and burned to death in a village in eastern Congo, in central Africa, around the same time. No outrage was expressed on behalf of many other innocents who had the misfortune to be slain. . . .

I read this because I knew this was going to happen. It was only 5 days ago when I warned this was going to happen. So anyway, on April 5, I said Ouattara has tried to deny his involvement in the slaughter of up to 1,000 innocent people. This was on April 5, a little over 1 week ago. There it is, folks, as shown in this picture. That town is called Duekoue. It is in Cote d'Ivoire. It is a small community: the western town of Duekoue. His forces took the town earlier last week after the Gbagbo forces had gone. They were already gone—they had to be—the Gbagbo forces. We know now these people were shot, macheted, and burned to death by the Ouattara forces.

You may remember me quoting on the floor just a few days ago a BBC report back last week that quoted a BBC reporter, Andrew Harding, who said of the Duekoue massacre—this is it now, folks, just a little over 1 week ago—he said:

> 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 ask him if any of the dead [that the hogs are eating] are children. He nods and begins to sob, quietly, into his facemask.

I pointed out that the Guardian, a British newspaper, quoted the U.N. mission which said that ''traditional hunters, known as Dozos, fought alongside Ouattara's forces and took part in killing 330 people in the western town of Duekoue, and that Guillaume Ngefa,

deputy head of the human rights division of the UN mission in Ivory Coast, blamed at least 220 of the deaths on pro-Ouattara forces.''

I repeat, this massacre was not caused by Gbagbo forces but by Ouattara forces that had taken the town. The Gbagbo forces had left 1 week earlier. There they are. Look at them: mutilated bodies, chewed up, burned. That was in Duekoue, a very small community in the western part of Cote d'Ivoire.

I repeat, this massacre was not caused by Gbagbo forces. I think we all know that. I, again, called—this was last week—for a cease-fire, and no one responded. That was just 1 week ago.

On April 7 and 8, I pointed out that the United Nations and the French were bombing downtown Abidjan, near the Presidential palace, where hundreds of young supporters of President Gbagbo had circled the Presidential palace making a human shield from the bombing. This is what they did—all these kids. All they had were baseball bats and 2 by 4s in a circle surrounding the palace to protect their President, President Gbagbo, and his family of about 17 who were there and his wife Simone.

You saw, 1 minute ago, in this one picture right here, that—do you think there is anything left of those kids who were surrounding the palace? No. They were all mowed down.

That was on the 7th and the 8th. Who knows how many of them were killed. I cannot imagine any of them lived through it.

I also pointed out, on April 8, there were roving death squads—there they are right there, folks; they are Ouattara people—roving deaths squads who are disappearing—this is the word they use: ''disappearing''—supporters of President Gbagbo. That means they are killing them.

I called again for an immediate cease-fire, and no one responded, not our State Department, not the United Nations, certainly not the French.

I also pointed out that I believe massive vote fraud occurred in the November 28, 2010, Cote d'Ivoire Presidential election between President Gbagbo and the rebel leader, Alassane Ouattara, from up north. That is the Muslim part of Cote d'Ivoire.

I submitted evidence in two letters to the State Department that showed that massive voter fraud allowed Ouattara to steal the election. In one instance, it showed that in the first round—here we would call this a primary and then a primary runoff. In the first round, in one of the five districts in the north, they miscounted, they tabulated them, and just added 95,000 additional votes. I documented all this. If we had 95,000 additional votes in each one of the five northern districts, then clearly President Gbagbo won reelection.

In another case, if you look at what they had in what we call primaries, in the first round President Gbagbo got thousands of votes—thousands of votes—in the northern five districts. When they did the runoff, he got zero—zero—votes. That is a statistical impossibility.

What did our State Department do? Nothing. I did not receive—I finally received a response to my two letters saying they think this is all fraudulent. They have not changed their minds. This is Sub-Saharan Africa. Do they truly care? I can only conclude that our State Department is engaging in a whitewash of any credible investigation into my allegations.

So I call again on the U.N., French, and Ouattara forces to halt all the violence, including that being done against President Gbagbo and the First Lady. They will be held responsible if any more harm comes to them. I call for an independent investigation—this is what the Africans want—into all the atrocities committed by all military forces involved in the fighting in Cote d'Ivoire. I call on the U.N., French, and Ouattara forces to halt immediately the death squads roving around the streets of Abidjan ''disappearing'' supporters of President Gbagbo.

I had a call from one friend down there whom I certainly would not identify. They would murder him overnight. He was talking about how he could not go out. He could see bodies, corpses in the street. This was 2 days ago. They could not go out there because they had snipers and they would mow them down.

They are led by soldiers of Ouattara's rebel army, supported by the French and the United Nations, and have already killed more than 400 people, in addition to, perhaps, the thousands killed in the bombing we have already looked at.

Right now, I have several friends who give me these reports. They are saying: Isn't there anything you can do now—just, if they go in now, after they have killed all these people? I call upon, again, the United Nations, the French—which I know are not going to do it—and certainly the Ouattara rebels and our State Department to go in and stop it. We could do it in no time at all.

There is all this concern about Libya and all these things going on. This is just as bad, but nobody cares. Keep in mind, this is Sub-Saharan Africa.

So the streets are filled with the stench of rotting bodies.

I renew my call for hearings before the Senate Foreign Relations Committee into the bombings and killings by the U.N., the French and the Ouattara rebels and the strong evidence of massive voter fraud in the November Presidential election.

I appreciate chairman JOHN KERRY's willingness to hold such hearings, and I look forward to setting a date—the sooner the better.

I have talked to the chairman of the subcommittee—that is Chairman COONS and Ranking Member ISAKSON—and they have agreed to have these hearings.

I am anxious to get into this so all the world can see it. Maybe we can stop this from happening again. I do not know.

I also suggest that the United States step in to help and examine the possibility of seeking a place of exile for the Gbagbos outside of Cote d'Ivoire. The United States has performed such a role before when, in 1986, under the Reagan administration, Haiti's ''Baby Doc'' Duvalier was sent into exile in France. So it has happened before. There is nothing wrong. The American Government did this before. I am asking them to do it again: take these people, who are being maybe murdered at this moment—we don't know; we know they are being tortured—and allow them to go into exile.

This could be an important step toward beginning a process of reconciliation that the people of Cote d'Ivoire so dearly deserve. This is not about the Gbagbos. It is about the modern day return to French colonial imperialism, and this time, with the help of the United Nations, they were doing this.

Here is what my concern is: Cote d'Ivoire has had a hard enough time trying to break free from the yoke of French colonialism. From the days of President Houphouet-Boigny in 1960 through Bedie in 2000—then Gbagbo was elected in the year 2000—up to that time, the French had actually owned all the Presidents. They were all right there with France.

All you have to do is go through the streets of Abidjan—what streets might be left now; I doubt there are many—and you will see that is happening. It is not just the Gbagbos. Any President on the African Continent in Sub-Saharan Africa should know this could just as well happen to them and their Ministers and their friends. That is what is happening right now.

I am going to show you something that I hesitated doing, but this is the happy face of President Gbagbo, as shown in this picture. This is the face I know. This is the President who has been President since 2000. He has gone through a lot of these same problems, but he stood up against the French and against the Ouattara in the north. Now he has been captured, and I will show you what he looks like today. This is 3 days ago.

This is today. His face is beat in from the side. He is there. He is being held on this side by someone while they are mashing his face.

Then there is Simone, his wife. I happen to know her very well. I will now show you a picture of her.

In my State of Oklahoma, we had—he is not there anymore—a great Congressman named J.C. Watts. He is an African American. I just talked to him today. He was at a hearing I testified in today. J.C. Watts is an African American who served in the House.

When Simone came over one time—this is Simone Gbagbos—she said: Would you try to let me get introduced to J.C. Watts, Congressman Watts. I

said: Yes, I would be glad to do it. I did not know why. I went over and took her to the House of Representatives. We are in the Senate. That was in the House. He was in a hearing. He came out, and I said: I want to introduce you to someone who is the First Lady of Cote d'Ivoire. She then put her arms around him and started crying. He did not know why she was crying. She said to him: Will you forgive us? J.C. Watts said: Forgive you for what? She said: Because we are the ones who sold your brothers into slavery.

In the United States of America, people walk around guilty—and they should be—about the slavery we had. But in Africa, and particularly Sub-Saharan Africa and west Africa, where most of the slave trade came from, such as Cote d'Ivoire, they realize they are the ones who sold their brothers into slavery. Here is Simone begging J.C. Watts to forgive her for selling them into slavery.

She was an elected member of Parliament from her district. She was leading the way for developing a center to care for orphans in her district. At the national level, Simone Gbagbo, the First Lady, worked to have a nationwide program for women to get their products to market. No name for that program is yet found, but that is what the program is. On a continental level, she was the head of the Organization of African First Ladies against HIV/AIDS, a forum created to establish a role for African First Ladies in dealing with the HIV needs of women and children. That is who Simone is. Isn't she pretty? That was 1 week ago.

Let's see what she looks like today. You cannot see it now. They have held her and pulled her hair out by the roots. They went out into the streets and said: This is the hair of Simone Gbagbos. I don't know what else they did to her. Use your own imagination—brutally murdered.

Who are these people? They are the Ouattara forces. Do you think we made that up? Here is another picture. There they are. All of these are identified leaders of the Ouattara forces holding her. See what that they are doing to her, beating her and pulling her hair out. That is what is happening today.

So I only will say—I will conclude with this—our State Department has to wake up. You cannot assume the United Nations is doing something that is right. We have to understand there is this half of a continent called Sub-Saharan Africa, and those people—their lives are worth just as much as they are worth in Kosovo or Bosnia or the United States or any of the other places we go and try to save lives.

Again, I would say to any of our friends and any of the Presidents of any of the countries in Sub-Saharan Africa, what has happened right there could very well happen to the Presidents or First Ladies of your countries.

I only ask three things. No. 1, stop this. Stop the firing that is going on right now. People are being murdered as we speak. Stop it. We can do it. We have the power to do it. Our State Department can ask the United Nations to make it happen in spite of what the French might want.

No. 2, send them into exile. Give them the dignity of living someplace else in Sub-Saharan Africa so these people, so the people of Africa will know—can you imagine what the people of Cote d'Ivoire will be thinking and doing in the near future if they allow this to go unanswered? That is my appeal to the U.S. State Department, to the United Nations, and to the French.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the period of morning business for debate only be extended until 6 p.m., with Senators permitted to speak for up to 10 minutes each, and that at 6 p.m. I be recognized.

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

GOVERNMENT SPENDING

Mr. INHOFE. Madam President, there is no one else in the Chamber now. They said they had other speakers lined up, and when they come in, I will be glad to yield the floor to them. In the meantime, let me make a couple of comments about the discussion today that everyone is addressing, Democrats and Republicans.

I have been here for a number of years. I have seen different administrations come through. I think this is the first time the American people have finally awoken to the fact that we have finally gotten to a point where we can't continue to do what we have been doing.

When President Obama came into office, he came out with his first budget and then his second budget and then his third budget. If we add up these budgets, what he has done successfully, since he had total control of the House and the Senate, is passed these budgets. He has added more to our national debt in 2 years than every President throughout—in the history of this country, every President from George Washington to George W. Bush.

I can remember coming to this floor and I was outraged back in 1995 when then-President Clinton came up with a budget, and that budget was a $1.5 trillion budget. This budget President Obama has come out with is not just $1 trillion, not $1.5 trillion, it is $3.5 trillion, and the deficit alone for this 1 year is greater than the budget was for the entire year of fiscal year 1996. It can't happen. We can't continue to do that.

Consequently—and I criticized some of my Republican friends when a lot of them voted for the $700 billion bailout back in October of 2008. Of course, none of the Republicans voted for the $800 billion stimulus package. Right now, we are quibbling over, well, can we really cut $60 billion from the budget. Yet they passed an $800 billion stimulus package—spending. It had never been done before in the history of this country. It has to stop now.

I watched what PAUL RYAN is doing over there. That is heavy lifting, that is tough, and he is talking about something that is very real.

I see my good friend from Utah has come in.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Madam President, I thank my colleague.

Sometimes it amazes me how quickly debates change here in Washington. At this time in 2009, President Obama was riding high. Heralded as the second coming of Franklin Roosevelt, the conventional wisdom was that his election represented a sea change in the attitudes of American taxpayers. Where his Democratic predecessor came to Congress and announced that the era of big government was over, President Obama came to Washington convinced that the era of big government was just beginning.

With historic majorities in both Houses of Congress, he and his Capitol Hill allies set about the business of transforming the Nation's economy with massive jolts of new government spending and regulation. They cultivated an unholy alliance of big labor, big business, and big government, and the hoped-for result was a corporatist state where government bureaucrats would calculate the fair share that business would contribute to finance the administration's redistributionist policies. They exploded the growth of the Federal Government through ordinary appropriations and the stimulus. Democrats hiked up nondefense discretionary appropriations by 24 percent over the last 2 years and by 84 percent if you count the stimulus bill.

But, as an American songwriter once put it, the times they are a-changing.

Later this week, we will be considering the continuing resolution that gets us to the end of fiscal year 2011. To hear the left talk, one would think this proposal was shutting down agencies left and right. They say we have cut discretionary spending to the bone. This, of course, is a little bit melodramatic. Before the Republicans won in November, the Federal Government was on pace to spend $3.8 trillion. That is $3,800 billion. The continuing resolution we will vote on reduces spending by $38 billion. And $38 billion in spending reductions from spending of $3,800 billion or $3.8 trillion—whichever you like—is not exactly cutting to the bone.

I agree with my colleagues who say we need to reduce spending by even more. Facing our third consecutive

year with more than a $1 trillion projected deficit, these cuts barely scratch the surface of what needs to be done. But make no mistake about it—even these cuts would have been impossible if not for the Republicans taking back the House and making gains in the Senate last November. When Republicans won, they changed the debate in Washington.

Even the press has been forced to acknowledge the depth of our fiscal crisis, though old habits die hard. Just this morning, we witnessed a relapse in the mainstream media as it did its best to enable excessive spending. The headline on the front page of today's Washington Post screamed ''Cuts Will Affect Vast Spectrum of Priorities.'' This made me think of the old joke about the likely reporting at the New York Times on the outbreak of a nuclear conflict: ''Nuclear War Breaks Out: Women and Minorities Hardest Hit.'' But I should not be too hard on the press. They seem to be getting it. There is certainly no denying it. We are spending way more than we are taking in, and, absent real reductions in spending and meaningful reforms to entitlements, this country is cruising toward a legitimate debt crisis that will adversely impact every American family.

This desire to reduce spending and restore the Constitution's limits on the size of government is the new normal for taxpayers. The Obama administration's salad days when they dreamed of permanently expanding the size of the Federal Government are way back in the rearview mirror. Because of the undeniable seriousness of our debt and deficits and the commitment of Republicans to taking it on, the debate has shifted from how do we enlarge the size of government to how can we scale it back. The administration was slow to recognize this. When given his first opportunity to weigh in on this crisis, the President voted ''present.'' His fiscal year 2012 budget was laughable for its failure to take on our deficits and growing debt.

Even Ezra Klein, the liberal Washington Post reporter, could not carry the President's water on this one. Even he couldn't carry the President's water on this one. He wrote that when reading the budget, it is almost like the fiscal commission never happened.

The President's fiscal commission recommended over $4 trillion in spending reductions, including adjustments to entitlements. I can't say I agree with everything in the commission's proposal, but it was a serious effort to get our Nation's finances back in order. But the President chose to pretend this report did not exist.

Well, since then, they must have done some polling over at the White House. They must have realized that on the most critical issue facing the country, American taxpayers and American families want something more from their President—they want leadership. The President of the United States can't just subcontract out these issues to other people. The President of the United States has to lead, and in these areas it takes the President. He has to be bold. He has to take a stand. For all of the elegiac comparisons of President Obama to Abraham Lincoln, Franklin Roosevelt, and Ronald Reagan, those were not passive Presidents. On the big issues, they took big risks and they led the country. It seems as though the President's advisers have finally figured this out. They need to get involved in a serious way on the issue of Federal spending.

Sitting back and adding nothing, while your allies demagogue reasonable solutions to pressing problems, is simply not acceptable to the American people. Democrats tried this tired line of attack last week, alleging that Republicans were out to hurt the poor, the disabled, and the elderly. These smears really are beneath the dignity of our elected officials, and they show a total disregard for the common sense of American citizens and the good faith and charity of those who support Republicans. A good first step for the President would be to disavow these statements. He has a chance to do so tomorrow.

The President is giving a much-hyped speech tomorrow on the issue of spending and getting our deficits and debt under control. I can only say I hope he comes through. The people of my home State of Utah and the people of every State are demanding that Washington tackle out-of-control spending. Vague outlines or statements of principle are not going to do it. The President needs to take a stand, or should I say stance.

I would add that the American people don't want solutions to a spending crisis that involve higher taxes. The solution to a spending crisis is not higher taxes that will give the government more money to spend. Our problem is not that citizens are taxed too little; our problem is that government spends too much.

So the President needs to come forward with serious, concrete proposals and commit to working with Congressman RYAN, Speaker BOEHNER, and Senate Republicans to solve this problem.

I am willing to give the President a mulligan on his first budget proposal. The President, like Members of Congress, represents the people. As representatives of the people, we must acknowledge those times when we get it wrong. When the people make it clear that they want their elected officials to go in a different direction, in a democratic republic it is only right that the President and the Congress give voice to those concerns. The President seems to understand that he got it wrong with this first budget.

Taxpayers and families want Washington to take on spending, but the people will not be fooled. If the President comes out tomorrow and speaks in vague generalities, if he comes out and simply defers to Congress, he will have satisfied no one. Being the President of the United States is not like being a law professor. Your job is not merely to facilitate dialog. Your job is to lead.

I look forward to the President's remarks tomorrow. I guess we could call it the President's budget, part deux. My hope is that the sequel will be better than the original.

With that, Madam President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

STEM EDUCATION

Mr. FRANKEN. Mr. President, I rise to talk about a matter that is very important to our country, to Minnesota, and to me, which is science, technology, engineering, and mathematics education or STEM education for short.

As I have traveled around Minnesota, I have heard from many of our high-tech businesses. They fear our students will not be ready to take on the jobs waiting for them when they graduate and, as a result, these jobs will go unfilled and our economy will founder. This is not just true in Minnesota, of course, but across the country—in Pennsylvania, the State of the Presiding Officer, and everywhere in our Nation.

That is why I am addressing our need for a well-trained STEM workforce through the STEM Master Teacher Corps Act, which has been cosponsored by my colleagues, Senators LIEBERMAN and SHAHEEN.

We have been hearing concern about the state of STEM education in our country for over a decade now. In 2000, a 25-member commission, headed by former Senator John Glenn, published a report called ''Before It's Too Late,'' which addressed the pressing need for high-quality math and science teaching.

Five years later, another report—''Rising Above the Gathering Storm''—presented the findings and recommendations of a National Academies commission, chaired by former Lockheed Martin CEO Norm Augustine, concerning the deteriorating condition of STEM education and basic research.

Last year, a followup report, dramatically entitled ''Rapidly Approaching Category 5 Hurricane,'' warned us that the ''gathering storm'' is now threatening to wipe out U.S. leadership in global science and technology if we don't act fast—and said so with good reason.

According to the Bureau of Labor Statistics, nearly every one of the top 30 fastest growing professions requires

STEM skills. These include jobs in some of the fields that are most critical to the future of our country—health care, energy, climate change, and national security. Yet too few kids are graduating from high school with the interest or the preparation to successfully pursue STEM degrees in college. Well over half of college students in China and Japan major in STEM fields, compared with only one-third of U.S. students.

International standardized tests show that we rank only average or below average in students' math and science performance. The 2009 Program for International Student Assessment placed American 15-year-olds 25th in math and 17th in science out of 34 OECD countries—the developed countries. What is worse is, we are spending more on education per student than any other OECD country in the world, except for Luxembourg.

As Congress works to reform No Child Left Behind this year—and the Presiding Officer is working with me on that on the HELP Committee—I urge my colleagues to consider strongly the importance of STEM education and how to spend our limited resources most effectively. President Obama has proposed recruiting and training 100,000 new STEM teachers in the next decade and has requested $100 million to advance this worthy goal.

However, many STEM teachers leave the profession within their first few years of teaching, often drawn by far more lucrative salaries elsewhere in science and technology fields. Those talents are valued in the market. So if we are going to invest in recruiting and training new teachers, we also need to invest in retaining and best utilizing those individuals.

The STEM Master Teacher Corps Act is based on a proposal brought forth by President Obama's Council of Advisors on Science and Technology. It will provide the top K–12 STEM teachers in a participating area with additional professional development, so they can become leaders in their schools and in their communities.

Master teachers will mentor their younger or less-effective peers, giving them guidance and inspiring them to stay in teaching. Master teachers will also network with one another, sharing best practices and resources. Together, these measures will improve the quality and the ability of all teachers to impart strong STEM skills and an eagerness to learn and pass it on to their students.

Providing career advancement opportunities to effective STEM teachers and support to beginning teachers will help increase retention, so our investments in recruitment and training will have an even greater payoff.

In recognition of their excellent work and new leadership responsibilities, it is only fair that these master teachers should be compensated, so my legislation also gives them a salary bump. Our teachers work just as hard as other STEM professionals, and it is time we recognize that and pay them accordingly. According to the National Association of Colleges and Employers, the median salary offered to recent college graduates in certain STEM-related fields, including physics, computer science, accounting, and engineering, is $24,000 higher than that offered to a new secondary school teacher and $30,000 higher than that offered to a new elementary school teacher.

This legislation has been endorsed by more than 60 national and regional groups, ranging from educational organizations such as the National Education Association, the American Federation of Teachers, the College Board, and Education Minnesota, to business groups such as LifeScience Alley, the BioBusiness Alliance of Minnesota, and the Minnesota High Tech Association. The bill is also supported by rural groups, such as the National Rural Education Association and the Rural School and Community Trust and numerous science and math societies.

I am particularly pleased to have the endorsement of two leading national businesses that also happened to be headquartered in my State, Medtronic and 3M. Both of these companies recognize and support the importance of acting now to ensure a well-trained workforce for the future, and they have already shown a proactive interest in supporting and engaging students in STEM activities.

I was recently at a first robotics event at the University of Minnesota that was astounding. They had two huge auditoriums of these over-130 teams competing in Minnesota in this robotics competition. So I am very grateful for the support of 3M and of Medtronic.

Mr. President, I have a very impressive list of the number of endorsers to the bill, and I ask unanimous consent to have printed in the RECORD the full list of endorsers.

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

ORGANIZATIONS ENDORSING SENATOR FRANKEN'S STEM MASTER TEACHER CORPS ACT OF 2011

3M; Alliance for Excellent Education; American Association for the Advancement of Science; American Association of Physicists in Medicine; American Association of Physics Teachers; American Federation of Teachers (AFT); American Institute of Physics; American Mathematical Society; American Physical Society; American Society for Engineering Education; American Society of Civil Engineers; America's Promise Alliance; Arlington, MA STEM Coalition; ASME Center for Public Awareness; Association of Science Materials Centers; Biobusiness Alliance of Minnesota; Campaign for Environmental Literacy; Central Jersey Modeling Institute; College Board; College of Education at Purdue University; Council of State Science Supervisors.

ECOCAD DESIGN GROUP, LLC; Education Development Center; Education Minnesota; Engaged Education Now; For Inspiration and Recognition of Science and Technology (FIRST); HMC Architects; IEEE–USA; International Renewable Energy Technology Institute; Iowa Mathematics and Science Education Partnership; LearnOnLine, Inc.; LifeScience Alley; Materials Research Society; Math for America; Medtronic; Minnesota Center for Engineering and Manufacturing Excellence; Minnesota Council of Teachers of Mathematics; Minnesota High Tech Association; Minnesota Intermediate District 287.

National Association of Secondary School Principals; National Association of State Boards of Education; National Board for Professional Teaching Standards; National Council of Teachers of Mathematics; National Education Association (NEA); National Institute of Building Sciences; National Institute for Excellence in Teaching; National Rural Education Association; National Science Center; National Science Teachers Association; New Teacher Center; Ohio Technology and Engineering Educators Association; Ohio Technology Education Advisory Council; The Optical Society; NV STEM Education Coalition; Project Lead The Way; Rural School and Community Trust; School Science and Mathematics Association (SSMA); South Carolina's Coalition for Mathematics and Science; SPIE, the International Society for Optics and Photonics; STARBASE Minnesota; STEM Education Coalition; TIAX LLC; Triangle Coalition for Science and Technology Education.

Mr. FRANKEN. Mr. President, the Master Teacher Corps Program addresses the recommendations presented in the President's Council of Advisers on Science and Technology's 2010 K–12 STEM education report and tracks the priorities laid out more than 10 years ago in the Glenn Commission report.

Specifically, it would establish an ongoing system to improve the quality of mathematics and science teaching in grades K–12, and it would improve the working environment and make the teaching profession more attractive for K–12 mathematics and science teachers.

With the planned reform and reauthorization of No Child Left Behind this year, we have a rare and, indeed, ideal opportunity to implement real change in K–12 STEM education in this country. So let's act now, before it is too late, before the storm has fully gathered, and before that rapidly approaching category 5 hurricane destroys the competitive technological edge and the prosperity our country has worked so hard to build and maintain.

I urge my colleagues to join Senators LIEBERMAN, SHAHEEN, and me in supporting a sustained investment in K–12 STEM teacher quality and in raising the standards of the teaching profession through the STEM Master Teacher Corps Act.

UNIVERSITY OF MINNESOTA-DULUTH'S MEN'S HOCKEY TEAM CHAMPIONSHIP

Mr. FRANKEN. Mr. President, I would also like to take a moment to congratulate the University of Minnesota-Duluth's men's hockey team for capturing their first ever NCAA Division I Championship. The UMD Bulldogs faced off against the Michigan

Wolverines in St. Paul this past Saturday and, wow, it was an amazing game.

Over 19,000 fans packed the Xcel Energy Center to watch a nail-biter, really, is what it was. Goaltenders Shawn Hunwick of Michigan and UMD's Kenny Reiter kept the game close, neither allowing a goal in the third period and sending the game into overtime.

Stuck at 2–2 Bulldog Travis Oleksuk gathered the puck behind the Michigan goal just 3 minutes into the extra period. With the puck on his backhand, Oleksuk slid a pass in front of the net to hard-charging teammate Kyle Schmidt, Hermantown, MN.

Kyle, only 10 days removed from hand surgery, buried the puck from just outside the crease. In a moment of pure exuberance, he skated to the halfline and dove onto his back, performing what I believe was a snow angel, as he slid on the ice. It was something to see. It was one of the most thrilling finishes in college hockey history.

After 50 long years, Kyle's overtime goal gave the Minnesota-Duluth Bulldogs their first ever men's hockey NCAA Championship. In his tenth year at the helm, Coach Scott Sandelin led a tenacious and skilled Bulldog team that dominated on the power play and got timely goaltending throughout the tournament.

I would be remiss if I didn't commend the Michigan Wolverines, who played fiercely and deserve congratulations for an excellent final game. I know everyone at the University of Minnesota-Duluth must still have smiles on their face after their victory, and I congratulate the players and coaches and the fans on a triumphant season.

I would also be remiss if I didn't say that last year the women's hockey team, the Bulldogs also, won the women's NCAA Division I hockey tournament. So kudos to the University of Minnesota-Duluth and the Bulldogs.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

The Senator from Arkansas is recognized.

Mr. PRYOR. I thank the Chair.

(The remarks of Mr. PRYOR pertaining to the introduction of S. 792 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. PRYOR. I thank the Chair.

TAX FREEDOM DAY

Mr. KIRK. Mr. President, last week in Chicago, we announced tax freedom day—the day that marks the time when Illinois residents have paid their Federal and State tax burdens. The Tax Foundation, a nonpartisan organization that determines tax freedom day, found that this year Americans will pay more on their tax burden than they do on food, shelter, and clothing combined. Tax freedom day falls on April 15 in Illinois and on April 12 nationwide.

Yet tax freedom day underestimates how heavy the government's burden is by only reflecting the size of the bills we actually pay to the government, not the spending we are pushing off on future generations in the form of higher deficits and debt. If we paid all of our bills to the government, the way it spends money, tax freedom day would not come until May 23.

With a government that consumes so much, it is fair to ask: Is the government spending as efficiently as possible on programs it is funding? Sadly, it is very clear that waste, fraud, and duplication still exist widely in the Federal Government.

To call attention to these issues, I introduced the "silver fleece award" in homage of Senator William Proxmire's "golden fleece," but this one is made of silver, not gold, because we are headed for more austere times. In the month of February, this award was voted by Facebook users on "waste book" and was given to a program awarding $1 million to provide signs displaying poetry in zoos.

I rise today to announce the nominees for the month of March and to announce the winner. The second runner up was a grant related to the Intermodal Surface Transportation Efficiency Act, or ISTEA, and Safe, Accountable, Flexible, Efficient Transportation Equity Act, or SAFETEA–LU, which was awarded $150,000 to create special tunnels for salamanders to pass under a Vermont road. The first runner up was a video game, funded by the Federal Government, called "WolfQuest," which was developed using a National Science Foundation grant of $609,160 to the Minnesota Zoo.

However, the March winner of the "silver fleece award," with a 63-percent vote, is a grant of $460,000 funding a study on why people lie on text messages, instant messaging services, social networking Web sites, and other modern communication systems. Yes, we spent over $460,000 of hard-earned taxpayer dollars to tell you why people lie when they are communicating electronically.

There are new nominees for the April "silver fleece award." This month's nominees were put forward by a leader on the issues of fighting pork and government waste in the House, Congressman JEFF FLAKE of Arizona. He nominated $450,000 in grants from the State Department for art shows in Venice, Italy, $130,276 in National Health Foundation funds to sponsor the creation and distribution of a cookbook, and $328,835 spent on an Air Force photo op in New York City.

We invite your votes and your feedback on "wastebook on Facebook" to decide what next month's "silver fleece award" winner will be.

The sad thing in all of this is that the only current loser is the American people.

TRIBUTE TO BILL SAMUELS

Mr. MCCONNELL. Mr. President, when most people think about Kentucky, three things usually spring to mind immediately: horses, college basketball, and bourbon. What few people realize, however, is that it is only in the past few decades that premium bourbon has had much of a presence outside Kentucky at all. Just 30 years ago, bourbon was one of the fastest-declining spirits in America. And yet today, the industry supports 10,000 jobs in Kentucky; more than 1.5 million people have visited the Kentucky Bourbon Trail in the last 5 years; and every distiller in the State is adding capacity. So bourbon's come a long way, and if you ask folks in Kentucky, most of the credit goes to one man, whose 35-year run at the helm of the world's most famous bourbon distillery comes to an end this week.

I am referring, of course, to Mr. Bill Samuels, Jr., the longtime president of Makers Mark. Bill's dad may have come up with the formula for premium bourbon, but it is because of Bill's vision and tenacity that the rest of the world knows about it today.

The first thing you could say about Bill Samuels is that rarely in the history of American commerce has there been a better marriage between a man and a product than the one between him and Makers Mark. To many Kentuckians, he is an instantly recognizable figure. You could say that what Colonel Sanders was to chicken, Bill is to bourbon. And so it is appropriate that the first job he ever had, at the age of 16, was driving the colonel around. You couldn't ask for a better teacher than Harlan Sanders if you wanted to learn how to promote a product, and, if that product was bourbon, you couldn't ask for a better hometown than Bardstown, KY. Bill's godfather and next-door neighbor was Jim Beam, and Bill can trace his family's tradition of bourbon making in Bardstown back seven generations to 1844.

A dramatic change in the family business came in 1953, when Bill's father, Bill Samuels, Sr., decided to abandon the old family recipe, bought the smallest distillery in the State, just outside of Loretto, and got to work on a more premium product. Bill, Sr. never really thought of the family business as much more than a hobby, so Bill, Jr. went off to college where he studied engineering and earned a law degree. But the family business retained a certain attraction, and soon the younger of the two Bills had to make a choice: practice law, or accept his father's offer to work with him for half the money. The other terms of employment weren't much better. Bill's dad told him that they did three things and three things only at the family's distillery: "We make whiskey, we

count money, and we sell whiskey''—and that his dad was in charge of the first two.

Bill knew the family's bourbon had a future beyond its small but loyal customer base, and over the next several years he would put together the strategy to prove it. Where most businesses focused on telling people why they should buy their product, Bill would let the people who already liked Makers Mark do the talking. Bill's view was that if he focused on maintaining quality, the demand would grow on its own, one happy customer at a time. The real turning point came in 1980, when a reporter from the Wall Street Journal started making inquiries about this distillery outside Loretto, KY, that seemed to be in high demand. The front-page story that followed called Makers Mark a model of inefficiency by choice. It noted that the Samuels' produced only 19 barrels of bourbon a day compared to an industry average in the hundreds, and described a cadre of loyal fans who liked it so much they would pay a premium to get it.

The response was overwhelming. Bill, Jr. followed up with a series of clever ads that underscored just how small the distillery was, and how difficult it had become to keep up with demand, which of course only increased it. Soon, Makers Mark exploded onto the national and international stage as a premium brand, and an entire premium industry emerged for Kentucky, which today produces more than 95 percent of all bourbon produced in the U.S.

Bill's genius for marketing and his love for Kentucky has always extended well beyond the family business. Over the years, he chaired an astonishing 27 different boards, including those at the University of Louisville, Bellarmine University, and the Kentucky Chamber of Commerce. To the amusement of his friends, he rcently signed up for Leadership Kentucky, a program typically reserved for young businessmen or women or newcomers to the Sate who want to learn more about Kentucky.

For a guy who is about as well known in Kentucky business as Colonel Sanders, it doesn't make much sense. But it makes perfect sense to people who know Bill. And whether he is showing up unexpectedly at some bar in Dallas or Chicago and buying a round of drinks, greeting visitors at the distillery in Loretto, or showing up at an event in a 12-button suit, Bill is one of those rare businessmen who has always been great at getting attention without showing a trace of ego. He has done it by focusing on the needs of his community, insisting on quality, and sticking to the winning formula that made Makers Mark a success. Those who have worked with Bill will tell you he is prone to self-deprecation, but this week Kentuckians across the State will have an opportunity to commend him on a job well done. And on behalf of all who have benefited from the vision and creativity of Bill Samuels, Jr., I would like to thank him for his dedicated service to the Commonwealth, and to wish him well in all his future endeavors. Knowing Bill, he is probably just getting started.

ADDITIONAL STATEMENTS

TRIBUTE TO CAILLEY AND MEMORABLE FACTOR

• Mr. GRAHAM. Mr. President, Le Grand Concours French competition consists of oral and written portions and is given by the American Association of Teachers of French to over 100,000 students learning French in all 50 States and abroad.

The MathFest was created in 2001 to provide an extended math initiative that would motivate students, parents, and teachers to raise the standards and expectations in math. This year the South Carolina MathFest was held in Columbia, and 4,000 math students from around the State participated in the competition.

I would like to take a moment to recognize and honor Cailley Factor of Charleston County for winning first place in the second division at the State MathFest competition and for being named a national champion of Le Grand Concours 2010 French competition. Additionally, I would like to recognize Memorable ''Mem'' Factor of Charleston County for winning first place in the first grade division at the State MathFest competition and for being named a national champion of Le Grand Concours 2010 French competition. This is the first time in the history of the competition that siblings have been named winners in the same year.

The achievements of both Cailley and Memorable Factor serve as an example which all students should strive towards. I applaud them both in their accomplishments and look forward to their future success.•

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on April 9, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the amendment of the Senate to the bill (H.R. 1363) making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 1363. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes.

Under the authority of the order of the Senate of April 8, 2011, the enrolled bill was subsequently signed on April 9, 2011 by the Acting President pro tempore (Mr. DURBIN).

MESSAGE FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 37. A joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 783. A bill to provide an extension of time for filing individual income tax returns in the case of a Federal Government shutdown.

MEASURES READ THE FIRST TIME

The following joint resolution was read the first time:

H.J. Res. 37. Joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices.

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–1310. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Glyphosate (N-(phosphonomethyl)glycine); Pesticide Tolerances'' (FRL No. 8866–8) received in the Office of the President of the Senate on April 8, 2011; to the Committee on Agriculture, Nutrition, and Forestry .

EC–1311. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Escherichia coli O157:H7 Specific Bacteriophages; Temporary Exemption From the Requirement of a Tolerance'' (FRL No. 8868–4) received in the Office of the President of the Senate on April 8, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1312. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Etoxazole; Pesticide Tolerances'' (FRL No. 8867–5) received in the Office of the President of the Senate on April 8, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1313. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Department of the Army and was assigned case number 08–02; to the Committee on Appropriations.

EC–1314. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Glenn F. Spears, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–1315. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the annual report for fiscal year 2010 of the National Guard Youth Challenge Program; to the Committee on Armed Services.

EC–1316. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the 2010 annual report relative to the STARBASE Program; to the Committee on Armed Services.

EC–1317. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Final Flood Elevation Determinations'' ((44 CFR Part 65) (Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on April 11, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1318. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–1319. A communication from the Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting, pursuant to law, the Department's fiscal year 2010 Annual Performance Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–1320. A communication from the President and Chief Executive Officer, National Railroad Passenger Corporation, Amtrak, transmitting, pursuant to law, Amtrak's fiscal year 2012 General and Legislative Annual Report; to the Committee on Commerce, Science, and Transportation.

EC–1321. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone and the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards'' (FRL No. 9292–9) received in the Office of the President of the Senate on April 8, 2011; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 109. A resolution honoring and supporting women in North Africa and the Middle East whose bravery, compassion, and commitment to putting the wellbeing of others before their own have proven that courage can be contagious.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Peter Bruce Lyons, of New Mexico, to be an Assistant Secretary of Energy (Nuclear Energy).

By Mr. KERRY for the Committee on Foreign Relations.

*Ben S. Bernanke, of New Jersey, to be United States Alternate Governor of the International Monetary Fund for a term of five years.

*Nils Maarten Parin Daulaire, of Virginia, to be Representative of the United States on the Executive Board of the World Health Organization.

*Joseph M. Torsella, of Pennsylvania, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador.

*Joseph M. Torsella, of Pennsylvania, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform.

*Kurt Walter Tong, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, for the rank of Ambassador during his tenure of service as United States Senior Official for the Asia-Pacific Economic Cooperation (APEC) Forum.

*Suzan D. Johnson Cook, of New York, to be Ambassador at Large for International Religious Freedom.

Nominee: Susan D. Johnson Cook.

Post: Ambassador at Large for International Religious Freedom.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $1,000, 10/22/06, Friends of Hillary; $150, 8/09, Yvette Clark Campaign; $150, 6/09, Ed Towns Campaign; $2,500, 10/10, DNC Fundraiser; $20, 10/10, Barbecue for Tim Bishop for Congress.

2. Spouse: Ronald Cook: $0.

3. Children and Spouses: Samuel Cook: $0; Christopher Cook, $0.

4. Parents: Both Deceased: $0.

5. Grandparents: Both Deceased: $0.

6. Brothers and Spouses: Deceased: $0.

7. Sisters and Spouses: N/A.

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*Robert Patterson, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Turkmenistan.

Nominee: Robert Eugene Patterson, Jr.

Post: Turkmenistan

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Evelyn Gosnell: $100, 2008, Obama. Jacqueline Gosnell: None. Danielle Gosnell: None.

4. Parents: Robert Patterson: $200, 2009, Pat Toomey. Joyce Patterson: None.

5. Grandparents: deceased.

6. Brothers and Spouses: James/Ellen Patterson: $1,000, 2008, Richard E. Neal. John/Dalleen Patterson: None.

Sisters and Spouses: Melody/Allen Ries: None.

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*Jonathan Scott Gration, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Nominee: Jonathan S. Gration

Post: COM, Embassy Nairobi

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributor, amount, date, and donee:

1. Self: $4500, 2008, Obama for America.

2. Spouse: Judith E. Gration: $631, 2008, Obama for America.

3. Children and Spouses: Jonathan S. Gration, Jr (son): None; Julie A. Gration (son's spouse): None; Jennifer Lynn Yoder (daughter): None; Brian J. Yoder (daughter's spouse): $30, 2008, Obama for America; David A. Gration (son): None; Katherine M. Gration (daughter): None.

4. Parents: John A. Gration (father): None; Dorothy E. Gration (mother): None.

5. Grandparents: Alexander G. Gration: Deceased; Margret E. Gration: Deceased: Alfred J. Harpel: Deceased; Fannie L. Harpel: Deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Barbara V. Harbert (sister): None; Scott J. Harbert (sister's spouse): None; Judith A. Kohl (sister): None; George J. Kohl (sister's spouse): None.

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*Michelle D. Gavin, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

Nominee: Michelle Diane Gavin

Post: Botswana.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None;

2. Spouse: David Bonifili: $300, 3–26–2006, Bob Casey for PA Senate Primary;

3. Children and Spouses: None;

4. Parents: None;

5. Grandparents: None;

6. Brothers and Spouses: None;

7. Sisters and Spouses: None.

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*David Bruce Shear, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Republic of Vietnam.

Nominee: David Bruce Shear.

Post: American Embassy, Hanoi.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: none.

2. Spouse: Barbara C. Shear: none.

3. Children and Spouses: Jennifer J. Shear (unmarried): none.

4. Parents: Bruce and Jean Shear (both deceased): none.

5. Grandparents (long deceased—can't remember names): none.

6. Brothers and Spouses: George and Diana Shear: $500, 2008, Obama campaign; $50, 2010, Democratic Congressional Campaign Committee; $25, 2010, Gillibrand campaign.

7. Sisters and Spouses: Laurel Mennen (divorced): none.

*Nomination was reported with recommendation that it be confirmed subject to

the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. THUNE (for himself, Mr. INHOFE, Mr. ROBERTS, Mr. ISAKSON, and Mr. BARRASSO):

S. 785. A bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. JOHNSON of South Dakota:

S. 786. A bill to amend title 10, United States Code, to modify the appointment and grade of the Chief of the Army Medical Specialist Corps; to the Committee on Armed Services.

By Mrs. MURRAY:

S. 787. A bill to provide grants to promote financial literacy; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. KERRY, Mr. AKAKA, Mrs. BOXER, Mrs. MURRAY, Mr. LAUTENBERG, and Mr. MERKLEY):

S. 788. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself and Mr. NELSON of Florida):

S. 789. A bill to express the sense of the Senate that Medicare should not be dismantled and turned into a voucher program; to the Committee on Finance.

By Mr. AKAKA:

S. 790. A bill to provide for mandatory training for Federal Government supervisors and the assessment of management competencies; to the Committee on Homeland Security and Governmental Affairs.

By Mr. UDALL of New Mexico (for himself, Mr. BINGAMAN, Mr. BENNET, Mr. CRAPO, Mr. UDALL of Colorado, and Mr. RISCH):

S. 791. A bill to amend the Radiation Exposure Compensation Act to improve compensation for workers involved in uranium mining, and for other purposes; to the Committee on the Judiciary.

By Mr. PRYOR:

S. 792. A bill to authorize the waiver of certain debts relating to assistance provided to individuals and households since 2005; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GRAHAM:

S. 793. A bill to allow the Corps of Engineers to use certain amounts to carry out harbor deepening projects; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself and Mr. WHITEHOUSE):

S. 794. A bill to amend the Internal Revenue Code of 1986 to disallow any deduction for punitive damages, and for other purposes; to the Committee on Finance.

By Mrs. GILLIBRAND:

S. 795. A bill to address HIV/AIDS in the African-American community, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (for himself, Mr. KERRY, Mr. HARKIN, Mr. BEGICH, and Mr. JOHNSON of South Dakota):

S. 796. A bill to amend the Internal Revenue Code to extend qualified school construction bonds and qualified zone academy bonds, to treat qualified zone academy bonds as specified tax credit bonds, and to modify the private business contribution requirement for qualified zone academy bonds; to the Committee on Finance.

By Ms. MIKULSKI (for herself, Mr. AKAKA, Mrs. BOXER, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. COONS, Mr. DURBIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. MCCASKILL, Mrs. MURRAY, Mr. REED, Mr. REID, Mrs. SHAHEEN, Ms. STABENOW, Mr. WHITEHOUSE, Mr. WYDEN, Mr. MERKLEY, and Mrs. HAGAN):

S. 797. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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

S. 798. A bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself and Mr. MCCAIN):

S. 799. A bill to establish a regulatory framework for the comprehensive protection of personal data for individuals under the aegis of the Federal Trade Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself, Mr. MERKLEY, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. LEAHY, Mr. BENNET, Mr. FRANKEN, Mr. CARPER, Mr. CARDIN, Ms. KLOBUCHAR, and Mr. WYDEN):

S. 800. A bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program; to the Committee on Environment and Public Works.

By Mr. CARPER (for himself, Ms. COLLINS, Mr. LIEBERMAN, and Mr. BROWN of Massachusetts):

S. 801. A bill to amend chapter 113 of title 40, United States Code, to require executive agency participation in real-time transparency of investment projects, to require performance and governance reviews of all cost overruns on Federal information technology investment projects, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. RUBIO (for himself, Mr. MENENDEZ, Mr. INHOFE, Mr. NELSON of Florida, Mr. MCCAIN, and Mr. LIEBERMAN):

S. Res. 140. A resolution commemorating the 50th anniversary of the Bay of Pigs operation and commending the members of Brigada de Asalto 2506 (Assault Brigade 2506); to the Committee on Foreign Relations.

By Mr. CONRAD (for himself and Mr. HOEVEN):

S. Res. 141. A resolution recognizing the efforts and accomplishments of the GOD'S CHILD Project and congratulating the GOD'S CHILD Project on its 20th anniversary; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. Res. 142. A resolution congratulating the Lady Aggies of Texas A&M University on winning the 2011 National Collegiate Athletic Association Division I Women's Basketball Championship; considered and agreed to.

By Mr. LAUTENBERG (for himself and Mr. THUNE):

S. Res. 143. A resolution supporting the goals and ideals of National Safe Digging Month; considered and agreed to.

By Mr. LUGAR (for himself, Mr. MCCONNELL, Mr. INHOFE, and Mrs. FEINSTEIN):

S. Con. Res. 12. A concurrent resolution expressing the sense of Congress that the President should take certain actions with respect to the Government of Burma; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 69

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 69, a bill to amend the Consumer Product Safety Improvement Act of 2008 to exclude secondary sales, repair services, and certain vehicles from the ban on lead in children's products, and for other purposes.

S. 136

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 136, a bill to establish requirements with respect to bisphenol A.

S. 146

At the request of Mr. BAUCUS, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Oregon (Mr. WYDEN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 146, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 210

At the request of Mr. COBURN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 210, a bill to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions for the use of offices of Members of Congress.

S. 211

At the request of Mr. ISAKSON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor 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. 217

At the request of Mr. DEMINT, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 217, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret ballot election conducted by the National Labor Relations Board.

S. 260

At the request of Mr. NELSON of Florida, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 260, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 357

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 357, a bill to authorize the Secretary of the Interior to identify and declare wildlife disease emergencies and to coordinate rapid response to those emergencies, and for other purposes.

S. 366

At the request of Mrs. GILLIBRAND, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 366, a bill to require disclosure to the Securities and Exchange Commission of certain sanctionable activities, and for other purposes.

S. 418

At the request of Mr. HARKIN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 425

At the request of Mr. UDALL of Colorado, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 425, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 431

At the request of Mr. PRYOR, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 468

At the request of Mr. MCCONNELL, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 468, a bill to amend the Federal Water Pollution Control Act to clarify the authority of the Administrator to disapprove specifications of disposal sites for the discharge of, dredged or fill material, and to clarify the procedure under which a higher review of specifications may be requested.

S. 489

At the request of Mr. REED, the name of the Senator from Alaska (Mr. BEGICH) 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. 491

At the request of Mr. PRYOR, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 496

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

S. 514

At the request of Mr. WYDEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 514, a bill to amend chapter 21 of title 5, United States Code, to provide that fathers of permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service.

S. 529

At the request of Mr. MENENDEZ, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 529, a bill to extend the temporary duty suspensions on certain cotton shirting fabrics, and for other purposes.

S. 547

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 547, a bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education.

S. 570

At the request of Mr. TESTER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 570, a bill to prohibit the Department of Justice from tracking and cataloguing the purchases of multiple rifles and shotguns.

S. 584

At the request of Ms. MIKULSKI, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 584, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 595

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor 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. 603

At the request of Mr. NELSON of Florida, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 603, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 646

At the request of Mrs. BOXER, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 646, a bill to reauthorize Federal natural hazards reduction programs, and for other purposes.

S. 648

At the request of Mrs. GILLIBRAND, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 648, a bill to require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease.

S. 662

At the request of Mr. VITTER, the name of the Senator from Florida (Mr. RUBIO) 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. 668

At the request of Mr. CORNYN, the name of the Senator from Arizona (Mr. MCCAIN) 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. 714

At the request of Mr. BINGAMAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 714, a bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes.

S. 718

At the request of Mr. ROBERTS, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 718, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides.

S. 724

At the request of Mr. CASEY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor 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 names of the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 726, a bill to rescind $45 billion of unobligated discretionary appropriations, and for other purposes.

S. 733

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 733, a bill to amend part B of title XVIII of the Social Security Act to exclude customary prompt pay discounts from manufacturers to wholesalers from the average sales price for drugs and biologicals under Medicare.

S. 740

At the request of Mr. REED, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 740, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 782

At the request of Mrs. BOXER, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

S. RES. 109

At the request of Ms. SNOWE, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Colorado (Mr. UDALL), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. Res. 109, a resolution honoring and supporting women in North Africa and the Middle East whose bravery, compassion, and commitment to putting the wellbeing of others before their own have proven that courage can be contagious.

S. RES. 127

At the request of Mr. KERRY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Res. 127, a resolution designating April 2011 as ''National Child Abuse Prevention Month''.

S. RES. 132

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

S. RES. 138

At the request of Mrs. GILLIBRAND, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Missouri (Mr. BLUNT), the Senator from Maine (Ms. COLLINS), the Senator from Maryland (Mr. CARDIN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. Res. 138, a resolution calling on the United Nations to rescind the Goldstone report, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. KERRY, Mr. AKAKA, Mrs. BOXER, Mrs MURRAY, Mr. LAUTENBERG, and Mr. MERKLEY):

S. 788. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today Americans observe Equal Pay Day—the date that marks the extra days that women must work into 2011 in order to equal what men earned in 2010. On this day, I am proud to introduce the Fair Pay Act of 2011, a bill I have introduced every Congress since 1996.

In 1963, Congress enacted the Equal Pay Act to end unfair discrimination against women in the workforce. While we have made progress toward this important goal, nearly half a century later, too many women still do not get paid what men do for the same or nearly the same work. On average, a woman makes only 77 cents for every dollar that a man makes. That translates into an average of $400,000 over her lifetime that a woman loses because of unequal pay practices. The circumstances are even worse for Latinas and women of color.

This is wrong, it is unjust, and it threatens the economic security of our families. The fact is millions of Americans are dependent on a woman's paycheck just to get by, to put food on the table, pay for child care, and deal with rising health care bills. Two-thirds of mothers bring home at least a quarter of their family's earnings. In many families, a woman is the sole breadwinner.

The evidence shows that discrimination accounts for much of the pay gap, and our laws have not done enough to prevent this discrimination from occurring. That is why passage of the Lilly Ledbetter Fair Pay Act was a critical first step, and why it is important to pass the Paycheck Fairness Act, introduced today by Senator MIKULSKI and Representative DELAURO, of which I am a proud original cosponsor. There are too many loopholes and barriers to effective enforcement of our existing laws. We need to strengthen penalties and give women the tools they need to confront discrimination.

At the same time, we must recognize that the problem of unequal pay goes beyond insidious discrimination. As a nation, we unjustly devalue jobs traditionally performed by women, even when they require comparable skills to jobs traditionally performed by men.

Today, millions of female-dominated jobs—for example, social workers, teachers, child care workers and nurses—are equivalent in skills, effort, responsibility and working conditions to similar jobs dominated by men. But, the female-dominated jobs pay significantly less. This is inexplicable. Why is a housekeeper worth less than a janitor? Why is a parking meter reader worth less than an electrical meter reader? Why is a social worker worth less than a probation officer?

To address this more subtle, deep-rooted discrimination, today I am joining with Representative ELEANOR HOLMES NORTON to introduce the Fair Pay Act, which will ensure that employers provide equal pay for jobs that are equivalent in skill, effort, responsibility and working conditions.

This important legislation would also require employers to publicly disclose their job categories and their pay scales, without requiring specific information on individual employees. If we give women information about what their male colleagues are earning, they can negotiate a better deal for themselves in the workplace.

Right now, women who believe they are the victim of pay discrimination must file a lawsuit and endure a drawn-out legal discovery process to find out whether they make less than the man working beside them. With pay statistics readily available, this expensive process could be avoided.

The number of lawsuits would surely go down if employees could see up front whether they are being treated fairly. In fact, I once asked Lilly Ledbetter: if the Fair Pay Act had been law, would it have averted her wage discrimination case? She said that with the information about pay scales that the bill provides, she would have known that she was a victim of discrimination and could have tried to address the problem sooner, rather than suffering a lifelong drop in her earnings and a trip all the way to the Supreme Court to try to make things right.

On this Equal Pay Day, let us make sure that what happened to Lilly never happens again by recommitting to eliminate discrimination in the workplace and make equal pay for equal work a reality. America's working women and the families that rely on them deserve fairness on the job. Hopefully, soon, we can achieve true equality in the workplace so there is no need to commemorate equal pay day any more.

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. 788

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Fair Pay Act of 2011''.

(b) REFERENCE.—Except as provided in section 8, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

SEC. 2. FINDINGS.

Congress finds the following:

(1) Wage rate differentials exist between equivalent jobs segregated by sex, race, and national origin in Government employment and in industries engaged in commerce or in the production of goods for commerce.

(2) The existence of such wage rate differentials—

(A) depresses wages and living standards for employees necessary for their health and efficiency;

(B) prevents the maximum utilization of the available labor resources;

(C) tends to cause labor disputes, thereby burdening, affecting, and obstructing commerce;

(D) burdens commerce and the free flow of goods in commerce; and

(E) constitutes an unfair method of competition.

(3) Discrimination in hiring and promotion has played a role in maintaining a segregated work force.

(4) Many women and people of color work in occupations dominated by individuals of their same sex, race, and national origin.

(5)(A) In 2009, a woman in the United States working in a full-time, year-round job earned 77 cents for every dollar earned by a man working in a full-time, year-round job.

(B) A 2007 study found that - even when accounting for key factors generally known to influence earnings such as race, educational attainment, and experience - nearly half (49.3 percent) of the pay gap can be explained by differences in the industries and occupations that men and women work in, and 41 percent of the pay gap cannot be accounted for but may be partially explained by discrimination in the workplace.

(6) Section 6(d) of the Fair Labor Standards Act of 1938 prohibits discrimination in compensation for ''equal work'' on the basis of sex.

(7) Artificial barriers to the elimination of discrimination in compensation based upon sex, race, and national origin continue to exist more than 4 decades after the passage of section 6(d) of the Fair Labor Standards Act of 1938, the Equal Pay Act of 1963, and the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.). Elimination of such barriers would have positive effects, including—

(A) providing a solution to problems in the economy created by discrimination through wage rate differentials;

(B) substantially reducing the number of working women and people of color earning low wages, thereby reducing the dependence on public assistance; and

(C) promoting stable families by enabling working family members to earn a fair rate of pay.

SEC. 3. EQUAL PAY FOR EQUIVALENT JOBS.

(a) AMENDMENT.—Section 6 (29 U.S.C. 206) is amended by adding at the end the following:

''(h)(1)(A) Except as provided in subparagraph (B), no employer having employees subject to any provision of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex, race, or national origin by paying wages to employees in such establishment in a job that is dominated by employees of a particular sex, race, or national origin at a rate less than the rate at which the employer pays wages to employees in such establishment in another job that is dominated by employees of the opposite sex or of a different race or national origin, respectively, for work on equivalent jobs.

''(B) Nothing in subparagraph (A) shall prohibit the payment of different wage rates to employees where such payment is made pursuant to—

''(i) a seniority system;

''(ii) a merit system;

''(iii) a system that measures earnings by quantity or quality of production; or

''(iv) a differential based on a bona fide factor other than sex, race, or national origin, such as education, training, or experience, except that this clause shall apply only if—

''(I) the employer demonstrates that—

''(aa) such factor—

''(AA) is job-related with respect to the position in question; or

''(BB) furthers a legitimate business purpose, except that this item shall not apply if the employee demonstrates that an alternative employment practice exists that would serve the same business purpose without producing such differential and that the employer has refused to adopt such alternative practice; and

''(bb) such factor was actually applied and used reasonably in light of the asserted justification; and

''(II) upon the employer succeeding under subclause (I), the employee fails to demonstrate that the differential produced by the reliance of the employer on such factor is itself the result of discrimination on the basis of sex, race, or national origin by the employer.

''(C) The Equal Employment Opportunity Commission shall issue guidelines specifying criteria for determining whether a job is dominated by employees of a particular sex, race, or national origin for purposes of subparagraph (B)(iv). Such guidelines shall not include a list of such jobs.

''(D) An employer who is paying a wage rate differential in violation of subparagraph (A) shall not, in order to comply with the provisions of such subparagraph, reduce the wage rate of any employee.

''(2) No labor organization or its agents representing employees of an employer having employees subject to any provision of this section shall cause or attempt to cause such an employer to discriminate against an employee in violation of paragraph (1)(A).

''(3) For purposes of administration and enforcement of this subsection, any amounts owing to any employee that have been withheld in violation of paragraph (1)(A) shall be deemed to be unpaid minimum wages or unpaid overtime compensation under this section or section 7.

''(4) In this subsection:

''(A) The term 'labor organization' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

''(B) The term 'equivalent jobs' means jobs that may be dissimilar, but whose requirements are equivalent, when viewed as a composite of skills, effort, responsibility, and working conditions.''.

(b) CONFORMING AMENDMENT.—Section 13(a) (29 U.S.C. 213(a)) is amended in the matter before paragraph (1) by striking ''section 6(d)'' and inserting ''sections 6 (d) and (h)''.

SEC. 4. PROHIBITED ACTS.

Section 15(a) (29 U.S.C. 215(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(2) by adding after paragraph (5) the following:

''(6) to discriminate against any individual because such individual has opposed any act or practice made unlawful by section 6(h) or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing to enforce section 6(h); or

''(7) to discharge or in any other manner discriminate against, coerce, intimidate, threaten, or interfere with any employee or any other person because the employee inquired about, disclosed, compared, or otherwise discussed the employee's wages or the wages of any other employee, or because the employee exercised, enjoyed, aided, or encouraged any other person to exercise or enjoy any right granted or protected by section 6(h).''.

SEC. 5. REMEDIES.

(a) ENHANCED PENALTIES.—Section 16(b) (29 U.S.C. 216(b)) is amended—

(1) by inserting after the first sentence the following: ''Any employer who violates subsection (d) or (h) of section 6 shall additionally be liable for such compensatory or punitive damages as may be appropriate, except that the United States shall not be liable for punitive damages.'';

(2) in the sentence beginning ''An action to'', by striking ''either of the preceding sentences'' and inserting ''any of the preceding sentences of this subsection'';

(3) in the sentence beginning ''No employees'', by striking ''No employees'' and inserting ''Except with respect to class actions brought under subsection (f), no employee'';

(4) in the sentence beginning ''The court in'', by striking ''in such action'' and inserting ''in any action brought to recover the liability prescribed in any of the preceding sentences of this subsection''; and

(5) by striking ''section 15(a)(3)'' each place it occurs and inserting ''paragraphs (3), (6), and (7) of section 15(a)''.

(b) ACTION BY SECRETARY.—Section 16(c) (29 U.S.C. 216(c)) is amended—

(1) in the first sentence—

(A) by inserting ''or, in the case of a violation of subsection (d) or (h) of section 6, additional compensatory or punitive damages,'' before ''and the agreement''; and

(B) by inserting before the period the following: '', or such compensatory or punitive damages, as appropriate'';

(2) in the second sentence, by inserting before the period the following: ''and, in the case of a violation of subsection (d) or (h) of section 6, additional compensatory or punitive damages''; and

(3) in the third sentence, by striking ''the first sentence'' and inserting ''the first or second sentence''.

(c) FEES.—Section 16 (29 U.S.C. 216) is amended by adding at the end the following:

''(f) In any action brought under this section for a violation of section 6(h), the court shall, in addition to any other remedies awarded to the prevailing plaintiff or plaintiffs, allow expert fees as part of the costs. Any such action may be maintained as a class action as provided by the Federal Rules of Civil Procedure.''.

SEC. 6. RECORDS.

(a) RECORDS.—Section 11(c) (29 U.S.C. 211(c)) is amended—

(1) by inserting ''(1)'' after ''(c)''; and

(2) by adding at the end the following:

''(2) Every employer subject to section 6(h) shall preserve records that document and

support the method, system, calculations, and other bases used by the employer in establishing, adjusting, and determining the wage rates paid to the employees of the employer. Every employer subject to section 6(h) shall preserve such records for such periods of time, and shall make such reports from the records to the Equal Employment Opportunity Commission, as shall be prescribed by the Equal Employment Opportunity Commission by regulation or order as necessary or appropriate for the enforcement of the provisions of section 6(h) or any regulation promulgated pursuant to section 6(h).''.

(b) SMALL BUSINESS EXEMPTIONS.—Section 11(c) (as amended by subsection (a)) is further amended by adding at the end the following:

''(3) Every employer subject to section 6(h) that has 25 or more employees on any date during the first or second year after the effective date of this paragraph, or 15 or more employees on any date during any subsequent year after such second year, shall, in accordance with regulations promulgated by the Equal Employment Opportunity Commission under paragraph (8), prepare and submit to the Equal Employment Opportunity Commission for the year involved a report signed by the president, treasurer, or corresponding principal officer, of the employer that includes information that discloses the wage rates paid to employees of the employer in each classification, position, or job title, or to employees in other wage groups employed by the employer, including information with respect to the sex, race, and national origin of employees at each wage rate in each classification, position, job title, or other wage group.''.

(c) PROTECTION OF CONFIDENTIALITY.—Section 11(c) (as amended by subsections (a) and (b)) is further amended by adding at the end the following:

''(4) The rules and regulations promulgated by the Equal Employment Opportunity Commission under paragraph (8), relating to the form of such a report, shall include requirements to protect the confidentiality of employees, including a requirement that the report shall not contain the name of any individual employee.''.

(d) USE; INSPECTIONS; EXAMINATION; REGULATIONS.—Section 11(c) (as amended by subsections (a) through (c)) is further amended by adding at the end the following:

''(5) The Equal Employment Opportunity Commission may publish any information and data that the Equal Employment Opportunity Commission obtains pursuant to the provisions of paragraph (3). The Equal Employment Opportunity Commission may use the information and data for statistical and research purposes, and compile and publish such studies, analyses, reports, and surveys based on the information and data as the Equal Employment Opportunity Commission may consider appropriate.

''(6) In order to carry out the purposes of this Act, the Equal Employment Opportunity Commission shall by regulation make reasonable provision for the inspection and examination by any person of the information and data contained in any report submitted to the Equal Employment Opportunity Commission pursuant to paragraph (3).

''(7) The Equal Employment Opportunity Commission shall by regulation provide for the furnishing of copies of reports submitted to the Equal Employment Opportunity Commission pursuant to paragraph (3) to any person upon payment of a charge based upon the cost of the service.

''(8) The Equal Employment Opportunity Commission shall issue rules and regulations prescribing the form and content of reports required to be submitted under paragraph (3) and such other reasonable rules and regulations as the Equal Employment Opportunity Commission may find necessary to prevent the circumvention or evasion of such reporting requirements. In exercising the authority of the Equal Employment Opportunity Commission under paragraph (3), the Equal Employment Opportunity Commission may prescribe by general rule simplified reports for employers for whom the Equal Employment Opportunity Commission finds that because of the size of the employers a detailed report would be unduly burdensome.''.

SEC. 7. RESEARCH, EDUCATION, AND TECHNICAL ASSISTANCE PROGRAM; REPORT TO CONGRESS.

Section 4(d) (29 U.S.C. 204(d)) is amended by adding at the end the following:

''(4) The Equal Employment Opportunity Commission shall conduct studies and provide information and technical assistance to employers, labor organizations, and the general public concerning effective means available to implement the provisions of section 6(h) prohibiting wage rate discrimination between employees performing work in equivalent jobs on the basis of sex, race, or national origin. Such studies, information, and technical assistance shall be based on and include reference to the objectives of such section to eliminate such discrimination. In order to achieve the objectives of such section, the Equal Employment Opportunity Commission shall carry on a continuing program of research, education, and technical assistance including—

''(A) conducting and promoting research with the intent of developing means to expeditiously correct the wage rate differentials described in section 6(h);

''(B) publishing and otherwise making available to employers, labor organizations, professional associations, educational institutions, the various media of communication, and the general public the findings of studies and other materials for promoting compliance with section 6(h);

''(C) sponsoring and assisting State and community informational and educational programs; and

''(D) providing technical assistance to employers, labor organizations, professional associations and other interested persons on means of achieving and maintaining compliance with the provisions of section 6(h).

''(5) The report submitted biennially by the Secretary to Congress under paragraph (1) shall include a separate evaluation and appraisal regarding the implementation of section 6(h).''.

SEC. 8. CONFORMING AMENDMENTS.

(a) CONGRESSIONAL EMPLOYEES.—

(1) APPLICATION.—Section 203(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1313(a)(1)) is amended—

(A) by striking ''subsections (a)(1) and (d) of section 6'' and inserting ''subsections (a)(1), (d), and (h) of section 6''; and

(B) by striking ''206 (a)(1) and (d)'' and inserting ''206 (a)(1), (d), and (h)''.

(2) REMEDIES.—Section 203(b) of such Act (2 U.S.C. 1313(b)) is amended by inserting before the period the following: ''or, in an appropriate case, under section 16(f) of such Act (29 U.S.C. 216(f))''.

(b) EXECUTIVE BRANCH EMPLOYEES.—

(1) APPLICATION.—Section 413(a)(1) of title 3, United States Code, as added by section 2(a) of the Presidential and Executive Office Accountability Act (Public Law 104–331; 110 Stat. 4053), is amended by striking ''subsections (a)(1) and (d) of section 6'' and inserting ''subsections (a)(1), (d), and (h) of section 6''.

(2) REMEDIES.—Section 413(b) of such title is amended by inserting before the period the following: ''or, in an appropriate case, under section 16(f) of such Act''.

SEC. 9. EFFECTIVE DATE.

The amendments made by this Act shall take effect 1 year after the date of enactment of this Act.

By Mr. AKAKA:

S. 790. A bill to provide for mandatory training for Federal Government supervisors and the assessment of management competencies; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to reintroduce the Federal Supervisor Training Act.

Properly trained supervisors are critical to the federal government's ability to efficiently and effectively provide essential services to the American people. First-level supervisors have close contact and frequent interaction with our Federal employees and thus have the most significant impact on employee performance.

Investing in first-level supervision could yield enormous positive returns. Research has shown that supervisory skills strongly predict agency performance and that improving the quality of first-level supervision is one of the most effective ways to improve an agency's performance. According to a 2010 Merit Systems Protection Board report entitled ''A Call to Action: Improving First-Level Supervision of Federal Employees,'' the fastest and most direct way to strengthen Federal workforce performance is to improve the supervision employees receive.

For managers and supervisors in the Federal Government, few things are more important than training. Supervisor training programs improve communication, promote stronger manager-employee relationships, reduce conflict, and cultivate efficiency.

Conversely, poor supervision can damage agency performance and employee morale, which undermines agency performance and wastes money. The National Academy of Public Administration reported that while it is difficult to quantify the precise cost of supervisory deficiencies, even a small deficiency could result in a loss of billions of dollars, and that without solid programs for developing first level supervisors, agencies pay an enormous price. Simply stated, investing in supervisory training in the Federal Government now will save us money later.

The need for effective supervisor training is becoming even more pressing given the large number of Federal employees who are expected to retire in the next few years. The Office of Personnel Management estimates that by the year 2014, approximately 53 percent of permanent full-time Federal employees will be eligible to retire, and the majority of those eligible will retire. Because supervisors tend to be older and have more years of service than non-supervisors, supervisors are likely to retire at faster rates than non-supervisors. In light of the expected retirement wave, training a new

generation of federal supervisors is a matter of national urgency.

The Federal Supervisor Training Act will require that new supervisors receive training on specified topics, including whistleblower and anti-discrimination rights, during their initial 12 months on the job, unless the Office of Personnel Management grants an extension to their employing agency. Supervisors will be required to update their training once every three years. Current supervisors will have three years to obtain their initial training. This bill will also require agencies to implement a program whereby experienced supervisors mentor new supervisors.

In addition, the Federal Supervisor Training Act will require the Office of Personnel Management to issue guidance to agencies on competencies supervisors are expected to meet in order to effectively supervise employees. Based on this guidance, or any additional competencies established by employing agencies, each agency will be required to assess the performance of its supervisors.

This bill builds upon supervisor training requirements under the Federal Workforce Flexibility Act of 2004, which directs agencies to establish training programs that develop supervisors, and to establish programs to provide additional training to supervisors in three areas—dealing with poor performers, mentoring employees and improving their performance, and conducting performance appraisals.

I am delighted that this bill has received support from the Government Managers Coalition, which represents members of the Senior Executives Association, the Federal Managers Association, the Professional Managers Association, the Federal Aviation Administration Managers Association, and the National Council of Social Security Management Associations. Additionally, it is supported by some of the largest federal sector labor organizations, including the American Federation of Government Employees, the National Treasury Employees Union, the National Federation of Federal Employees, and the International Federation of Professional and Technical Engineers. Finally, this bill is supported by the Partnership for Public Service, a non-profit, non-partisan organization which works to find ways to improve the government's ability to provide services to citizens. I believe the broad support from management associations, labor organizations, and outside good government groups demonstrates the need for this bill.

I urge my colleagues to support this important legislation.

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

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

S. 790

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 Supervisor Training Act of 2011''.

SEC. 2. MANDATORY TRAINING PROGRAMS FOR SUPERVISORS.

(a) IN GENERAL.—Section 4121 of title 5, United States Code, is amended—

(1) by inserting before ''In consultation with'' the following:

''(a) In this section, the term 'supervisor' means—

''(1) a supervisor as defined under section 7103(a)(10);

''(2) a management official as defined under section 7103(a)(11); and

''(3) any other employee as the Director of the Office of Personnel Management may by regulation prescribe.'';

(2) by striking ''In consultation with'' and inserting ''(b) Under operating competencies prescribed by, and in consultation with,''; and

(3) by striking paragraph (2) (of the matter redesignated as subsection (b) as a result of the amendment under paragraph (2) of this subsection) and inserting the following:

''(2)(A) a program to provide training to supervisors on actions, options, and strategies a supervisor may use in—

''(i) developing and discussing relevant goals and objectives together with the employee, communicating and discussing progress relative to performance goals and objectives and conducting performance appraisals;

''(ii) mentoring and motivating employees and improving employee performance and productivity;

''(iii) fostering a work environment characterized by fairness, respect, equal opportunity, and attention paid to the merit of the work of employees;

''(iv) effectively managing employees with unacceptable performance;

''(v) addressing reports of a hostile work environment, reprisal, or harassment of, or by, another supervisor or employee;

''(vi) meeting supervisor competencies established by the Office of Personnel Management or the employing agency of the supervisor; and

''(vii) otherwise carrying out the duties or responsibilities of a supervisor;

''(B) a program to provide training to supervisors on the prohibited personnel practices under section 2302 (particularly with respect to such practices described under subsection (b) (1) and (8) of that section), employee collective bargaining and union participation rights, and the procedures and processes used to enforce employee rights; and

''(C) a program under which experienced supervisors mentor new supervisors by—

''(i) transferring knowledge and advice in areas such as communication, critical thinking, responsibility, flexibility, motivating employees, teamwork, leadership, and professional development; and

''(ii) pointing out strengths and areas for development.

''(c) Training in programs established under subsection (b)(2) (A) and (B) shall be—

''(1) interactive training which may include computer-based training; and

''(2) to the extent practicable as determined by the head of the agency, training that is instructor-based.

''(d)(1)(A) Not later than 1 year after the date on which an individual is appointed to the position of supervisor, that individual shall be required to have completed each program established under subsection (b)(2).

''(B) The Director of the Office of Personnel Management may establish and administer procedures under which the head of an agency may extend the 1-year period described under subparagraph (A) with respect to an individual.

''(2) After completion of a program under subsection (b)(2) (A) and (B), each supervisor shall be required to complete a program under subsection (b)(2) (A) and (B) at least once every 3 years.

''(3) Each program established under subsection (b)(2) shall include provisions under which credit shall be given for periods of similar training previously completed.

''(4) Each agency shall measure the effectiveness of training programs established under subsection (b)(2).

''(e) Notwithstanding section 4118(c), the Director of the Office of Personnel Management shall prescribe regulations to carry out this section, including the monitoring of agency compliance with this section. Regulations prescribed under this subsection shall include measures by which to assess the effectiveness of agency supervisor training programs.''.

(b) REPORT ON EXTENSIONS FOR TRAINING REQUIREMENTS.—

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Oversight and Government Reform of the House of Representatives.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act and annually thereafter, the Director of the Office of Personnel Management shall submit a report with respect to the preceding fiscal year to the appropriate congressional committees on—

(A) the number of extensions granted under section 4121(d)(1)(B) of title 5, United States Code, as added by subsection (a) of this section; and

(B) the number of individuals completing the requirements of section 4121(d)(1)(A) of title 5, United States Code, as added by subsection (a) of this section.

(c) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Personnel Management shall prescribe regulations under section 4121(e) of title 5, United States Code, as added by subsection (a) of this section.

(d) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act and apply to—

(A) each individual appointed to the position of a supervisor, as defined under section 4121(a) of title 5, United States Code (as added by subsection (a) of this section), on or after that effective date; and

(B) each individual who is employed in the position of a supervisor on that effective date as provided under paragraph (2).

(2) SUPERVISORS ON EFFECTIVE DATE.—Each individual who is employed in the position of a supervisor on the effective date of this section and is not subject to an extension under section 4121(d)(1)(B) of title 5, United States Code (as added by subsection (a) of this section) shall be required to—

(A) complete each program established under section 4121(b)(2) of title 5, United States Code (as added by subsection (a) of this section), not later than 3 years after the effective date of this section; and

(B) complete programs every 3 years thereafter in accordance with section 4121(d) (2) and (3) of that title (as added by subsection (a) of this section).

SEC. 3. MANAGEMENT COMPETENCIES.

(a) IN GENERAL.—Chapter 43 of title 5, United States Code, is amended—

(1) by redesignating section 4305 as section 4306; and

(2) inserting after section 4304 the following:

"§ 4305. Management competencies

''(a) In this section, the term 'supervisor' means—

''(1) a supervisor as defined under section 7103(a)(10);

''(2) a management official as defined under section 7103(a)(11); and

''(3) any other employee as the Director of the Office of Personnel Management may by regulation prescribe.

''(b) The Director of the Office of Personnel Management shall issue guidance to agencies on competencies supervisors are expected to meet in order to effectively manage, and be accountable for managing, the performance of employees.

''(c) Based on guidance issued under subsection (b) and on any additional competencies developed by an agency, each agency shall assess the performance of the supervisors and the overall capacity of the supervisors in that agency.

''(d) Every year, or on any basis requested by the Director of the Office of Personnel Management, each agency shall submit a report to the Office of Personnel Management on the progress of the agency in implementing this section, including measures used to assess program effectiveness.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 43 of title 5, United States Code, is amended by striking the item relating to section 4305 and inserting the following:

''4305. Management competencies.
''4306. Regulations.''.

(2) REFERENCE.—Section 4304(b)(3) of title 5, United States Code, is amended by striking ''section 4305'' and inserting ''section 4306''.

By Mr. UDALL of New Mexico (for himself, Mr. BINGAMAN, Mr. BENNET, Mr. CRAPO, Mr. UDALL of Colorado, and Mr. RISCH):

S. 791. A bill to amend the Radiation Exposure Compensation Act to improve compensation for workers involved in uranium mining, and for other purposes; to the Committee on the Judiciary.

Mr. UDALL of New Mexico. Mr. President, I rise today to introduce the Radiation Exposure Compensation Act Amendments of 2011. The Radiation Exposure Compensation Act, known as RECA, was first passed in 1990 after years of work and litigation. The act was later improved in 2000 through amendments made by Congress, and today I am joined by my colleagues, Senators BINGAMAN, BENNET, CRAPO, MARK UDALL, and RISCH, to once again improve the act through introduction of this legislation.

This bill honors the individuals who unwittingly gave their health and even their lives to national efforts to develop uranium and a Cold War nuclear arsenal during the mid-20th century. Some Americans were sickened through exposure to aboveground atomic weapons tests, and others were exposed to heavy doses of radiation from working in the uranium mining industry. All the while, the government was slow to implement Federal protections. As a result, a generation of Americans who worked in the mines and lived near testing sites became sick with serious diseases like lung cancer and kidney disease.

Much of the United States' uranium development and weapons testing occurred in New Mexico and the West. Mines and mills drew workers into rural communities. These workers, and much of the country, were unaware of the dangers of radiation exposure. As mining and milling continued and our national understanding of the dangers of radiation exposure developed, the Federal Government continued to fail to ensure that uranium workers and their families were safe from the hazards of exposure to radioactive materials. As a result, numerous illnesses and cancers began to emerge in the men and women who worked in the uranium mining industry and lived downwind of weapons testing sites.

In my home State of New Mexico, the Pueblo of Laguna was home to the nation's largest open pit uranium mine. Additionally, many large and small mines and mill sites were opened within the Navajo Nation. In fact, much of the State's northwestern area is spackled with hundreds of abandoned uranium mines. Workers from across the State came to these mines and mills, especially from the economically struggling communities of rural New Mexico.

In the late '70s, my father, Stewart Udall, took up the fight for these workers. In 1979, my father filed 32 claims against the Department of Energy on behalf of widows of deceased Navajo uranium miners. In many ways, this marked the beginning of the fight for compensation for all uranium workers. I remember working those years with my whole family to collect information and push for recognition. It was a family effort to fight injustice, and for me, it continues to be a family priority. Ten years later, the original RECA legislation was passed in the United States Congress, giving a level of restitution to sick miners and millers, as well as individuals downwind of nuclear tests. The RECA legislation was later expanded upon through an amendment adopted in 2000.

The legislation we introduce today takes the next step to address the remaining shortfalls of the Radiation Exposure Compensation Act.

Specifically, the bill would include post-1971 uranium workers as qualified claimants. While the Federal Government ceased purchase of domestic uranium in 1971, implementation of Federal work safety standards was slow and regulation of mines was poor. As a result, thousands of miners and millers were never made aware of the dangers of the yellow cake they handled on a regular basis. In recently conducted surveys, the majority of uranium workers from this time period report that they did not have showers or washbasins in the mines where they worked. They often took contaminated clothing home for laundering, unaware of the hazards and with no other option for cleaning. Many also report that ventilation to prevent unnecessary exposure was not provided in their work areas.

Today, these workers continue to suffer and die from illnesses related to radiation exposure. But because their employment dates began after 1971, the cut-off included in the original RECA legislation, they have no opportunity for compensation. Our bill changes that. If the measure passes, individuals working between 1971 and 1990 will qualify to claim compensation for exposure-related diseases.

The bill we're introducing today would also expand the geographic areas that qualify for downwind compensation to include New Mexico, Idaho, Montana, Colorado, and Guam. And for the first time, the bill recognizes downwind exposure from the original atomic weapons test site—the Trinity Site in New Mexico.

Those exposed as a result of aboveground weapons tests would receive increased compensation as a result of passage of the bill being introduced today. This would make their compensation consistent with their counterparts who worked in mines and mills.

Comprehensive epidemiological research on the impacts of uranium development on communities and families of uranium workers is long overdue. Our legislation would authorize funding for the National Institute of Environmental Health Sciences to award grants to universities and nonprofits to carry out such research.

Many who have suffered as a result of cold war uranium and weapons development do not have the documentation to prove their exposure. Often, mines and mills did not keep proper documentation of their workers, and many communities impacted do not have a tradition of keeping birth and marriage certification. The RECA Amendments of 2011 would broaden the use of affidavits to substantiate employment history and residence in an affected downwind area.

Employees would also be able to combine their time worked in multiple positions to meet the work-time requirements for compensation in the original RECA legislation if today's legislation is adopted.

Finally, this legislation would allow miners to be compensated for kidney disease. And it would allow core drillers to join miners, millers, and ore transporters on the current list of uranium workers who qualify for compensation under the Act.

For more than two decades now, the United States has tried to compensate in some way for the sickness and loss of life that came as a result of cold war era uranium and weapons development. Much has been accomplished, but today we are taking the next step to close

this sad chapter in history and to improve the reach of compassionate compensation to those Americans who have suffered, but have not qualified under RECA in its current form.

Thousands continue to suffer from deadly illnesses as a result of radiation exposure, but many do not qualify for compensation because they began employment after 1971, or because they worked for a short time in several different mines and mills. Others qualify for a level of compensation, but still struggle to pay the expensive medical bills associated with their illnesses.

I look forward to working with my colleagues to recognize these individuals and expand RECA to include all who are justified in receiving radiation exposure compensation, and I urge the Judiciary Committee, the committee of jurisdiction, to expedite hearing on this important piece of legislation.

By Mr. PRYOR:

S. 792. A bill to authorize the waiver of certain debts relating to assistance provided to individuals and households since 2005; to the Committee on Homeland Security and Governmental Affairs.

Mr. PRYOR. Mr. President, I want to talk just for a few minutes about an incident that is unfolding in Arkansas, and that I am sure is unfolding in other States as well.

Less than 2 weeks ago, a 73-year-old woman and her husband received a letter from FEMA, where FEMA demanded that this couple pay back $27,000 in FEMA assistance they had received 3 years earlier, and that they do so within 30 days or face penalties, interest, et cetera. Well, this was devastating news for her. These are Social Security recipients. They lost everything in a flood.

But let me back up and tell the full story, and then tell the rest of the story. Three years ago, Arkansas had some floods on the White River, and the folks in the Mountain View area, some of them, experienced very severe flooding. FEMA actually came to this couple's house, walked around, and told them on the spot they were eligible to receive FEMA assistance for the flooding. The maximum you can receive is $30,000. So they filled out the paperwork.

In fact, FEMA helped them do some of that, like I said, on the spot, while FEMA was visiting their home and looking at their property. FEMA assured her they would qualify for this assistance. So they filled out the paperwork and they went through the process.

Apparently, at some point, there was even an appeal or some sort of clarification. So it went through the proper channels at FEMA. Remember, FEMA was there, they took pictures, and the whole deal. They verified the damage. So this couple received $27,000 in FEMA assistance.

They put every dime back into their home. This is a couple who basically lost almost all their worldly possessions in this flood. I talked to her a week or so ago, and she told me they were able to save a few items of glassware and a few keepsakes from the family, but basically everything was either washed away in the water or so caked with mud it was ruined during the flood. The $27,000 helped repair their home and make it habitable, but it didn't restore their home anywhere close to the condition it was before the flood. This was their dream home—their retirement home. They live right there on the White River. It is a beautiful part of the State.

So they got this letter a couple of weeks ago. Now, bear in mind this flood happened 3 years ago—the flood happened 3 years ago—and they are now required, under the rules and regs and the law that FEMA works with, to pay all this money back. As I said before, this is a terrible hardship.

As it turns out, what happened is these folks, although they were assured by FEMA they were eligible, they were actually never qualified to receive this money. They didn't know that. They had FEMA in their living room telling them they were qualified and they should receive the money; that they met all the tests and standards and that is what this program was for, to help people like them. However, there was one technicality, and that was that the county in which they lived had not passed an ordinance to go into the FEMA flood insurance program. Here, again, FEMA should have known this.

FEMA apparently went to some of the county meetings where it was discussed and voted down. But, nonetheless, FEMA assured these people they would be covered under this program.

The irony of all this is that the couple, when they bought their home on the White River, one of the preconditions or requirements they set for themselves was they would purchase flood insurance. They had it for a number of years. They paid premiums for a number of years. They never experienced a flood, but they paid premiums for a number of years.

Finally, the insurance company that offered the flood insurance got out of the business, and so they even went to the extent of going through Lloyds of London to get flood insurance. They paid a lot of money for a premium, but they, nonetheless, carried that as long as it was offered. Finally, it wasn't offered any longer, and the only thing left was the FEMA National Flood Insurance Program. But because the county had not done what they were supposed to do, this couple, therefore, was not eligible to receive the FEMA flood money—again, no fault of their own. They had done everything anybody could do. They had paid their premiums out of their pockets as long as they could, as long as they could find insurance, and as that was canceled over the years, the county hadn't come through. But, apparently, FEMA was actually there at the county meetings and knew, or should have known, this couple wasn't eligible. Yet they gave her this money, and now they want it all back with penalties and interest, et cetera.

So I have filed the Disaster Assistance Recoupment Fairness Act, and we actually have it in two forms. We have it as a stand-alone measure, and we also have it as an amendment to the bill that is pending on the floor right now.

The important point of this story is that all of the mistakes that were made were on FEMA's side of the equation. The couple in Arkansas made no mistakes. They followed the rules, went through the process, went through the hearings. There is no allegation of fraud or that the couple in any way misled anyone. They gave them the documents and did everything they were supposed to do. It was textbook. They did everything they were supposed to do, but FEMA is now coming back and asking for recoupment.

So our bill will not give a blanket exception, but what it will do is give the FEMA Administrator the authority, under circumstances he deems fit, to waive the debt that is owed to the United States in cases where funds were distributed by a FEMA error, as in this case. Also, it gives them the discretion that they do not have under current Federal law.

I met with Director Fugate on this a week or two ago, and actually we had a very constructive meeting. I think probably on a personal level he understands this. He feels bad about this. But he believes his hands are tied under the statute. I am not 100 percent sure they are but he says they are. He tried to be very helpful, very accommodating. I think he does want to work with all the parties involved to try to clean this up. But he says he does not have the authority.

That is where this bill comes in. We wish to give the FEMA Director the authority to have some discretion on some of these hardship type cases, especially where the person who received the benefit did it purely by a FEMA error. Again, in their case, they put every dime of their recovery back into their home to have it livable. Otherwise they probably would have had to abandon their home or sell the property or whatever the case may have been.

That is what we are asking of the Senate, if they would consider this at the proper time. I ask my colleagues to take a look at it. My guess is, since we have 35 households in our State that are receiving these types of letters from FEMA, these demand letters where they are giving a notice of debt to folks who have received money, my guess is if we have 35 in our State there are hundreds and maybe thousands around the country in a similar situation.

Again, our bill is just for FEMA's mistakes. This is probably an example

of the cleanup from the previous FEMA administration. I think Director Fugate had nothing to do with this. It took them 3 years because there was a lawsuit in the meantime.

What this is doing is creating a hardship for folks who had been playing by the rules. It gives FEMA the flexibility to do some of the cleanup in a way that doesn't harm ordinary citizens here in the United States. I ask my colleagues to take a look at it. I would be pleased to answer any questions. If anyone has those, they can always contact me in my office. What I wish to do is not call it up at this point or anything like that but maybe be in the queue and be available at sometime in the future.

By Mr. LEAHY (for himself and Mr. WHITEHOUSE):

S. 794. A bill to amend the Internal Revenue Code of 1986 to disallow any deduction for punitive damages, and for other purposes; to the Committee on Finance.

Mr. LEAHY. Mr. President, today I am introducing legislation that will stop businesses from deducting costs that result from their misconduct as a cost of doing business under our tax laws. Under current law, a corporation or individual business owner may deduct the cost of a punitive damage award paid to a victim as an ''ordinary'' business expense. This is wrong. It undermines one of the primary deterrent functions of our civil justice system, and American taxpayers should not subsidize this misconduct.

Punitive damage awards serve in part to correct dangerous or unfair practices. These awards are reserved for the most extreme and harmful misconduct. Our legal history contains prominent examples of corporate misconduct that resulted in the deaths of Americans, and by virtue of our civil justice system was not only punished, but led to broad changes to improve the safety and security of American consumers. The justice system has and will continue to encourage the positive changes that cannot be brought about by regulation alone. But our current tax laws work against the well-established role of the justice system as a backstop to health and safety regulation.

One year ago, the Deepwater Horizon drilling rig exploded, killing 11 Americans and leading to the worst oil spill in American history. Just over a year ago, an explosion in the Upper Big Branch Mine in West Virginia claimed the lives of 29 miners. In both of these cases, I expect that all Americans, and particularly the family members of the victims, would be shocked to learn that any punitive damages that may result from these events will amount to a tax break for the corporations responsible.

I was disgusted to learn that Transocean, the owner of the Deepwater Horizon, recently announced that it was giving ''safety bonuses'' to its executives. Maybe that company believes that the American people have forgotten about this tragedy. I have met with the families of the 11 men killed, and I will never forget them. The tax treatment that the responsible companies will receive if we do not act will just add insult to injury.

Let us also not forget Exxon's misconduct in 1989. I have chaired several hearings on Exxon's misconduct, which led to an ecological and human disaster that affects Alaskans even today. A jury awarded $5 billion in punitive damages against Exxon for its actions, which devastated an entire region, the livelihoods of its people, and destroyed a way of life. For more than a decade Exxon fought this measure of accountability all the way to the United States Supreme Court. A divided Supreme Court invented a novel rule and held that in maritime cases, punitive damage awards could not exceed twice the amount of compensatory damages. I support Senator WHITEHOUSE's wise legislation to overturn that Supreme Court decision, but some in Congress do not want corporate accountability. If we cannot muster the votes to make corporations that engage in such extreme misconduct accountable, we need to at least stop subsidizing it through our tax laws.

Like so many Americans, I am weary of the preferential treatment that large corporations obtain at virtually every turn. It is disheartening to hear reports about enormously profitable corporations paying lower income tax rates than middle class American workers by exploiting loopholes or sheltering profits in foreign countries. It is unconscionable that big oil companies continue to be subsidized by taxpayers to the tune of billions of dollars each year, especially when Americans are facing increasingly high gasoline prices. I share the frustration of so many Americans who are making great sacrifices, yet who are not seeing their sacrifices shared by the most powerful in our society. As we approach the national tax filing deadline, I expect most Americans would agree that this punitive damages tax deduction is not only bad tax policy, but offensive to our basic notions of justice and fair play.

In his fiscal year 2012 budget recommendations, President Obama and his administration requested an end to this deduction in the tax code. The Congressional Budget Office has estimated that doing so will result in increased revenues of $315 million over 10 years. As we collectively work to reduce the Federal deficit, it is important to recognize that increasing revenues will play an important part in this effort; particularly when those revenues are lost to a policy that is without any defensible justification.

I hope all Senators will join me to protect American taxpayers. This legislation should be part of our bipartisan fight to reduce the national debt. When corporate wrongdoers can write off a significant portion of the financial impact of punitive damages, the incentives in our justice system that promote responsible business practices lose their force. These difficult financial times require us to close irresponsible tax loopholes. We can start with this one, which treats corporate misconduct as a cost of doing business.

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. 794

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 ''Protecting American Taxpayers from Misconduct Act''.

SEC. 2. DISALLOWANCE OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) DISALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—Section 162(g) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking ''If'' and inserting:

''(1) TREBLE DAMAGES.—If'', and

(C) by adding at the end the following new paragraph:

''(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).''.

(2) CONFORMING AMENDMENT.—The heading for section 162(g) of such Code is amended by inserting ''OR PUNITIVE DAMAGES'' after ''LAWS''.

(b) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

''Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.''.

(2) REPORTING REQUIREMENTS.—Section 6041 of such Code is amended by adding at the end the following new subsection:

''(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.''.

(3) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 91. Punitive damages compensated by insurance or otherwise.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

By Mr. ROCKEFELLER (for himself, Mr. KERRY, Mr. HARKIN, Mr. BEGICH, and Mr. JOHNSON of South Dakota):

S. 796. A bill to amend the Internal Revenue Code to extend qualified school construction bonds and qualified zone academy bonds, to treat qualified zone academy bonds as specified tax

credit bonds, and to modify the private business contribution requirement for qualified zone academy bonds; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today, along with my colleagues Senator KERRY of Massachusetts, Senator HARKIN of Iowa, Senator BEGICH of Alaska, and Senator JOHNSON of South Dakota, I am introducing legislation to extend and improve two important programs that create good jobs and help our nation's schools. In order for America to out-innovate, out-educate, and out-build the rest of the world, we must begin with our schools, and this legislation will make it easier to create spaces where 21st century learning can occur. The Qualified School Construction Bond, QSCB, and Qualified Zone Academy Bond, QZAB, programs have helped schools begin to address their construction and renovation needs, as well as creating construction jobs in their communities. Because of the tax credit associated with these bonds, the schools essentially do not have to pay interest which makes it much easier for them to fund their significant construction and renovation needs.

The Qualified School Construction Bond program was created in 2009, and bond proceeds can be used for construction, rehabilitation, or repair of a public school or for land for a facility. The total amount of bonds allowed was $11 billion in 2009 and $11 billion in 2010. This national allocation is distributed by formula to the states and larger school districts. West Virginia, for example, was able to issue its full allocation of $72.3 million in bonds in 2010. Construction workers in West Virginia are building schools for their children. West Virginia is rightfully paying for the construction, but this bond program means their dollars go further. My legislation extends this important program through 2015 with the same $11 billion per year total national allocation of bonds.

The Qualified Zone Academy Bond, QZAB, program was created in 1997. While it also helps schools issue bonds by providing favorable tax status, participating schools must be located in an empowerment zone or enterprise community or expect that at least 35 percent of the students will be eligible for free or reduced-cost lunches. Bonds cannot be used for new construction, but can be used for the rehabilitation or repair of schools, equipment, course development, and teacher training. The national limitation for bonds issued under this program was $1.4 billion for 2009 and 2010 and my legislation extends that annual limit through 2015. This program has historically required a 10 percent match from private entities, and this requirement has proven a significant barrier to its use in some communities. My legislation provides an option to waive this match in some cases. It also allows the bond issuer to receive the tax credit as a payment. The Hiring Incentives to Restore Employment—HIRE—Act which became law last spring made this change for both bond programs and it resulted in greater use of the bonds. The huge Middle Class Tax Relief Act of 2010 which we passed in December repealed this change for QZABs, and my legislation makes the credit once again refundable. We know this helps schools utilize this program, and we need to give our schools every incentive to invest in education.

It is important that we continue both of these important programs. The school infrastructure needs of our country are immense. A recent report estimated the total school infrastructure needs across the 50 States was over $250 billion. We won't meet that need in a year, or in 2 years, but we need to commit ourselves to keep at it. I urge my colleagues to support this bill.

By Ms. MIKULSKI (for herself, Mr. AKAKA, Mrs. BOXER, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. COONS, Mr. DURBIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. MCCASKILL, Mrs. MURRAY, Mr. REED, Mr. REID, Mrs. SHAHEEN, Ms. STABENOW, Mr. WHITEHOUSE, Mr. WYDEN, Mr. MERKLEY, and Mrs. HAGAN):

S. 797. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. Mr. President, I rise today to reintroduce the Paycheck Fairness Act, an important piece of legislation that is even more poignant today, Equal Pay Day, which is the day in 2011 where women earn as much as men did in 2010. It is also unfortunately marked by families doing more with less, and making tough decisions to make ends meet. I thank the 24 of my colleagues that have joined me as original cosponsors of this important legislation today.

As a U.S. Senator, I am fighting for jobs today and jobs tomorrow. I am on the side of a fair economy and I am on the side of good-guy businesses. We need an economy that works for everyone, and works for the American family. But that means equal pay for equal work, and that individuals are judged solely by their individual skills, competence, unique talents and nothing else. The Paycheck Fairness Act gives us the much needed tools to make this happen.

Women make this country run—we are business leaders, entrepreneurs, politicians, mothers and more. We also bring home a growing share of the family pocketbook, as evidenced by a recent White House report, ''Women In America''. But we earn just 77 cents for every dollar our male counterpart makes, and women of color get even less. Inexplicably, these disparities exist across all levels of education and occupation. In my home State of Maryland, the average woman has to receive a bachelor's degree before she earns as much as the average male high school graduate. This is unacceptable.

The Paycheck Fairness Act picks up where we left off with the Lilly Ledbetter Fair Pay Act last Congress. Enactment of this legislation will mean real progress in the fight to eliminate the gender wage gap and help families. It has the teeth that are needed to keep discrimination from happening in the first place, and makes the consequences tougher. The Act ensures that employers who try to justify paying a man more than a woman for the same job must show the disparity is not sex-based; but job related and necessary. It prohibits employers from retaliating against employees who discuss or disclose salary information with their coworkers. The bill would also make it easier for women to file class-action lawsuits against employers they accuse of sex-based pay discrimination. And it strengthens the available remedies to include punitive and compensatory damages, thus bringing equal pay law into line with all other civil rights law. The bottom line is that this bill ensures that women are treated fairly in the workplace, something that is a matter of basic equality and civil rights.

So this Equal Pay Day, let's recommit to closing the wage gap. It is my hope that one day, there is no need for an Equal Pay Day—that every year, women earn the same as men. Until then, we link up, press on, and push for passage of this important legislation, so that for all victims of pay discrimination, there is a new day ahead.

Mr. LEAHY. Mr. President, today, the Nation commemorates Equal Pay Day, an annual occasion that celebrates the gains that women have made in the workplace over the last century, but which also reminds us all that pay discrimination still exists in the United States. In today's economy, a troubling constant remains: women continue to earn less than men. According to the United States Bureau of Labor Statistics, on average, women working full-time still make only 78 cents for every dollar working men receive. For minority women, this statistic becomes even more sobering.

The U.S. Department of Labor also reports an increasing number of families where women are the head of the household, and correspondingly, the primary source of income. Despite the signs of economic recovery, many women and families continue to struggle to make ends meet. This issue is not one that just impacts one individual; it creates additional economic hardship for entire families. Vermont is a leader in the Nation on fair pay practices, and 8 years ago, the State acted to pass an equal pay act, which prohibits compensating women and

men differently for equal work that requires equal skill, effort, and responsibility under similar working conditions. Now in Vermont, employers cannot require wage nondisclosure agreements, and employees are protected from retaliation for disclosing their own wage. Still, there is room for improvement. The Bureau of Labor Statistics reports that Vermont women working full-time earn wages amounting to 81.9 percent of what men earn. We must work harder to ensure that women are paid equal wages for equal work, across the country.

The 1963 Equal Pay Act was enacted to protect employees against discrimination with respect to compensation because of an individual's race, color, religion, sex or national origin. While we have made progress, our work is not done. Hardworking women—and the American people—earned a long fought victory in early 2009, when President Obama signed into law the Lilly Ledbetter Fair Pay Act to reverse the U.S. Supreme Court's devastating decision in Ledbetter v. Goodyear Tire, a decision that rolled back years of progress to eliminate workplace discrimination. But the efforts to achieve parity for women in the workplace continues.

Two bills introduced today will help the United States reach that goal. These bills include provisions similar to those enacted in Vermont. The Paycheck Fairness Act, which was introduced by Senator MIKULSKI and which I am proud to cosponsor, creates stronger incentives for employers to follow the law; strengthens penalties for equal pay violations; and prohibits retaliation against workers for disclosing their own wage information. This bill passed the House of Representatives with bipartisan support over a year ago, and deserves action in the Senate. The Fair Pay Act, which was introduced by Senator HARKIN and which I am also proud to cosponsor, requires employers to pay equally for jobs of comparable skill, efforts and working conditions, and to disclose pay scales and rates for all job categories at a given company. To effectively close the wage gap we must address the systemic problems that are resulting in pay disparities. I believe both these bills are essential steps to closing the wage gap.

Equal pay for equal work is neither a Democratic nor Republican issue; it is an American value. It is neither a private sector nor a public sector issue; it is a fundamental issue of fairness. Sadly, wage discrimination affects women of every generation and every socioeconomic background. It is not limited to one career path or level of education. The Senate should pass the Paycheck Fairness Act and the Fair Pay Act, and work toward other solutions to ensure our daughters and granddaughters, and all future generations of Americans, are not subject to the same discrimination that has plagued women for decades.

By Mr. CARPER (for himself, Ms. COLLINS, Mr. LIEBERMAN, and Mr. BROWN of Massachusetts):

S. 801. A bill to amend chapter 113 of title 40, United States Code, to require executive agency participation in real-time transparency of investment projects, to require performance and governance reviews of all cost overruns on Federal information technology investment projects, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President. I rise to join Senators CARPER, LIEBERMAN, and BROWN in introducing a bill that would bring more management and oversight of major information technology, IT, investments across the federal government.

In fiscal year 2011 alone, the federal government plans to spend nearly $80 billion on IT investments, about half of which is for major IT investments. According to the Government Accountability Office, nearly 40 percent of those major IT investments, totaling nearly $20 billion, are at risk for significant cost overruns, schedule delays, and performance problems.

Rampant cost and performance problems in IT investments occur across the government. Most recently, we have seen a total breakdown in the National Archives and Records Administration's, NARA, Electronic Records Archive initiative.

Since 2001, NARA has tried to develop a system to preserve and provide access to a massive volume of electronic records. Originally slated for a 2012 rollout at a cost of $317 million, NARA has had to repeatedly revise the plan and cost estimate and finally decided to produce a scaled-down system this year. Last month GAO estimated the project would cost between $762 million and $1 billion—three times more than originally planned.

We see time and time again with these big IT contracts that requirements are not clear up front, leading to chaos down the road that wastes hundreds of millions of dollars.

Such was the case with the 2010 Decennial Census handheld devices. After spending eight years developing a completely new approach to census-taking, the Census Bureau scrapped plans for using handheld computers and reverted instead back to paper and pencil.

Problems managing the contractor, major flaws in the Bureau's cost-estimates, and kicking the can down the road added about $3 billion to the census price tag. Three billion!

The problems keep coming. DHS has tried twice—since 2004—to integrate its many-siloed financial management systems. The Department spent approximately $52 million on one failed attempt before abandoning the project nearly two years later. DHS tried again only to encounter severe schedule delays. The Department is now planning to roll out the project incrementally, which is of course how they should have started years ago, and is what is recommended under the OMB guidance for managing large IT projects.

Large IT project failures have cost U.S. taxpayers literally billions of dollars in wasted expenditures. While never acceptable, especially now given our current fiscal crisis, we just cannot afford to accept this type of incompetence and mismanagement one more day. Perhaps even more troubling is the fact that, when federal IT projects fail, they can undermine the government's ability to defend the nation, enforce its laws, or deliver critical services to citizens.

Again and again, we have seen IT project failures grounded in poor planning, ill-defined and shifting requirements, undisclosed difficulties, poor risk management, and lax monitoring of performance.

For the last several years, Senator CARPER and I have pushed the Office of Management and Budget to improve the management and oversight of these IT investments. To help address the concerns we have raised, OMB has instituted several new initiatives over the last year and a half.

For example, in June 2009, OMB announced the creation of the ''IT Dashboard,'' which is a website that displays cost and schedule information about major IT investments, as well as the agency Chief Information Officer's, CIO, evaluation of the status of each project. OMB has also instituted comprehensive face-to-face reviews of these investments, known as ''TechStat'' sessions.

As a result, OMB has reported reducing the life-cycle costs of 15 investments by approximately $3 billion by narrowing the scope of some projects and even shutting down others and cutting the losses. Added transparency from the IT Dashboard, as well as comprehensive reviews via TechStat sessions, should improve agency management and Congressional oversight of the projects.

The bill Senator CARPER and I introduce today would require agencies to use the Dashboard in a standardized way. It would also expand inputs to include cost, schedule, and performance data, using a metric called Earned Value Management, EVM. EVM prevents the kind of ''hide the ball'' game that agencies often play to cover up performance shortfalls, cost overruns, or schedule slips.

The bill institutes triggers so that, if an investment deviates more than 20 percent from its original cost, schedule, and performance targets, CIOs would be required to conduct the type of comprehensive TechStat sessions currently taking place at OMB on a more limited scale. These sessions would generate information for Congress as well as the public, by requiring agencies to post the results of the TechStat sessions on the IT Dashboard. These reports would have to describe in detail how the failures occurred, naming names, and describing how exactly the shortcomings are going to be fixed.

If an investment deviates more than 40 percent, the TechStat session would get bumped up to the OMB level, to be run by the Federal Chief Information Officer. In addition to information about how to improve the performance of the project, OMB would be required to provide to Congress a recommendation of whether the project should be pared back or cancelled if it cannot be overhauled.

On top of this aggressive oversight ramp-up, the bill would require agencies to identify and heighten the planning and management for a handful of top priority, most expensive projects. For these ''core'' investments, agencies would submit additional data on performance, key milestones, and lifecycle costs.

Because of their scope and importance to agency missions, these core projects would have lower thresholds for oversight triggers and would get bumped up to OMB TechStat review with a deviation of 20 percent. The ''get-well'' plan would then be sent to Congress and published on the Dashboard for maximum accountability. This early intervention at the highest level would ensure that these critical projects are either saved or scrapped long before they can threaten to waste billions of dollars or endanger agency missions.

If an agency fails to comply with the requirements in the bill for any given project, that would be the end of taxpayer support for the project until it is brought into compliance.

If this bill had been law during the past decade, early warning signs would have alerted Congress and possibly saved some of the billions wasted on so many IT projects currently crowding various high-risk lists.

I urge every Senator to support this much-needed and bipartisan bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 140—COMMEMORATING THE 50TH ANNIVERSARY OF THE BAY OF PIGS OPERATION AND COMMENDING THE MEMBERS OF BRIGADA DE ASALTO 2506 (ASSAULT BRIGADE 2506)

Mr. RUBIO (for himself, Mr. MENENDEZ, Mr. INHOFE, Mr. NELSON of Florida, Mr. MCCAIN, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 140

Whereas April 17, 2011, marks the 50th anniversary of the Bay of Pigs operation, an event held in the hearts of all who long for the return of freedom to Cuba;

Whereas the Communist Government imposed in Cuba since January 1959 has systematically denied the most basic human freedoms to the Cuban people;

Whereas on April 17, 1961, men and women from the United States and from Cuba selflessly volunteered to help the Cuban people free themselves from communist tyranny;

Whereas during the next few days and in the course of a battle against a military force superior in manpower and firepower, nearly 100 men lost their lives, including 4 pilots from the United States;

Whereas, in September 1961, the Cuban Government executed 5 soldiers that had been captured alive;

Whereas the greater part of the remaining assaulting forces were captured, imprisoned in deplorable conditions for close to 18 months, sentenced without due process to 30 years of imprisonment, and finally returned to the United States by the Cuban Government;

Whereas the Cuban soldiers who returned from the operation have made valuable contributions to the United States, while never forgetting their beloved native country;

Whereas on December 29, 1962, President John Fitzgerald Kennedy was presented with the Brigade 2506 banner that had reached Cuban shores during the invasion and the president pledged, ''I can assure you that this flag will be returned to this brigade in a free Havana'';

Whereas on April 24, 1986, a joint resolution was passed (Public Law 99-279) ''Commemorating the twenty-fifth anniversary of the Bay of Pigs invasion to liberate Cuba from Communist tyranny''; and

Whereas the Cuban people continue to struggle and demand respect for their civil liberties: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and pays tribute to the brave service of all members of Brigada de Asalto 2506 (Assault Brigade 2506), both living and deceased; and

(2) calls on the United States to continue policies that promote respect for the fundamental principles of freedom, democracy, and human rights in Cuba, in a manner consistent with the aspirations of the people of Cuba.

Mr. RUBIO. Mr. President, on April 17, 1961, 1,500 individuals from the United States and Cuba valiantly volunteered in the Bay of Pigs mission to liberate Cuba from Fidel Castro's grip. They were a diverse group from all backgrounds of Cuban society, all united by the ideal that freedom is a God-given, inalienable right.

Having lost their country a couple of years earlier, these brave men took up arms on the beaches of Playa Giron. Over the course of 4 days and facing daunting odds against a better-armed and trained Cuban military, nearly 100 members of the Brigada de Asalto 2506, Assault Brigade 2506, lost their lives, including 4 American pilots. Five others were captured and executed. The majority were captured and imprisoned for many months and years in inhumane conditions.

Many of the captured men were fortunate to be eventually released and exiled to the United States, where they restarted their lives, raised families and made it their life's ambition to give their children the opportunities they would not have.

I am proud to join my colleagues in the U.S. Senate in paying tribute to the survivors of that mission—several of whom made the journey to Washington this week—and honoring the memories of the deceased.

As the son of Cuban exiles, I am proud to represent an entire community of people who lost everything to an accident of history, but came to cherish the freedoms they found in America. The story of the Brigade 2506 veterans, in particular, is worthy of special recognition.

To some, the Bay of Pigs battle is just one episode in the long annals of the cold war. But to those involved, the mission was a defining moment in their lives that, for others, illuminated the righteousness of the cause to free Cuba. It is a heartbreaking story of men who fought so valiantly for their beloved homeland's freedom, only to come up short. But it is also an inspiring story—one that says as much about their resilience as it does about America.

Having endured a traumatic life experience 50 years ago at the Bay of Pigs, many of them came back to the U.S. with nothing—not a penny and often without any English skills. They went to work and embraced America's blessings, but they never forgot their beloved homeland.

Some made it their life's work to promote the cause of a free Cuba. Others went to work on other endeavors to provide for their families, but dedicated countless hours as faithful volunteers of the cause. In doing so, they served as teachers to an entire community. Today in Miami, for example, a Brigade 2506 monument and museum now exist as much to commemorate these heroes as it does to educate others.

Like so many Cuban exiles, their stories taught us that human rights and liberty are not conditional on where someone is born, but are instead the birthrights of every single one of God's children. They taught us why the Cuban condition, like everywhere else in the world where human rights are trampled, is inhumane an unnatural. They instilled in us a deep sense of why the Cuban government, and others like it, is fundamentally defective and illegitimate, as it is sustained by violence against its people and operates without the consent of the governed.

Over the past 50 years, these lessons have given us moral clarity about the rights of man and reminded us of our responsibility to defend the persecuted among us.

Far from being forgotten, their example has inspired others to carry on their work. Their legacy lives on among those of us who have followed in their footsteps by making their cause of a free Cuba our cause.

Today, the torch they lit 50 years ago on a Cuban beach, is now carried not only by their children and grandchildren, but also by a new and growing generation of Cubans on the island. Every day, thousands of courageous patriots are demanding their freedoms and steadily chipping away at the farce of the Castro regime. Together, we are all united by the moral responsibility to highlight the Cuban regime's continued abuses, to apply change-inducing pressure, and to support the Cuban people's right to freely shape their destinies.

Courageous and principled leaders like these give us hope that a free Cuba is an inevitable destiny. They also give us hope that soon we will be able to achieve President John F. Kennedy's December 1962 promise to surviving Bay of Pigs veterans that their battle flag ''will be returned to this brigade in a free Havana.''

SENATE RESOLUTION 141—RECOGNIZING THE EFFORTS AND ACCOMPLISHMENTS OF THE GOD'S CHILD PROJECT AND CONGRATULATING THE GOD'S CHILD PROJECT ON ITS 20TH ANNIVERSARY

Mr. CONRAD (for himself and Mr. HOEVEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 141

Whereas international educator, human rights leader, and native of the State of North Dakota Patrick Atkinson, deeply concerned about the plight of poor and exploited children around the globe, established the nonprofit GOD'S CHILD Project in 1991 with the mission of breaking the bitter chains of poverty through education and information;

Whereas the GOD'S CHILD Project has a global presence, serving the most vulnerable women and children on 3 continents, with operations in El Salvador, Guatemala, India, Malawi, and the United States;

Whereas the international GOD'S CHILD Project, true to its roots, maintains its global headquarters in Bismarck, North Dakota, the hometown of Patrick Atkinson;

Whereas more than 5,000 orphaned, abandoned, and impoverished children and nearly 8,700 widowed, abandoned, and single mothers and their dependents receive care from, and are educated by, the GOD'S CHILD Project;

Whereas since the GOD'S CHILD Project was founded, more than 18,000 parentless children and thousands more women have been given hope by the GOD'S CHILD Project;

Whereas the GOD'S CHILD Project, taking a comprehensive view of helping the destitute and exploited break free from poverty and oppression, operates schools, a family clinic, social work department, psychology clinic, domestic violence program, legal aid department, and a center for malnourished children;

Whereas in response to the transnational problem of human trafficking, the GOD'S CHILD Project established the Institute for Trafficked, Exploited, and Missing Persons in 2001 to address the issues of human trafficking and exploitation, which are particularly severe in Central America;

Whereas the GOD'S CHILD Project is often 1 of the first organizations to respond to devastating natural disasters, including Tropical Storm Agatha, which ravaged Central America in 2010, taking nearly 180 lives and destroying the homes of thousands;

Whereas each year, approximately 2,500 volunteers and 45 homebuilding groups from around the world join with the GOD'S CHILD Project staff to compassionately serve their brothers and sisters in need; and

Whereas the GOD'S CHILD Project and Patrick Atkinson have received numerous accolades recognizing their service to the poor from United States and foreign organizations, including the Guatemalan Congressional Medal of Honor, Guatemala's Goodwill Ambassador For Peace, and the 2010 Humanitarian Award from the Bismarck City Human Rights Commission: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the GOD'S CHILD Project on its 20th anniversary;

(2) commends the GOD'S CHILD Project for its charitable service to the poor and its efforts to help thousands break the bonds of poverty and exploitation; and

(3) recognizes those individuals who have served impoverished children and women throughout the world under the auspices of the GOD'S CHILD Project, including the volunteers, staff, and founder and executive director, Patrick Atkinson, of the GOD'S CHILD Project.

SENATE RESOLUTION 142—CONGRATULATING THE LADY AGGIES OF TEXAS A&M UNIVERSITY ON WINNING THE 2011 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I WOMEN'S BASKETBALL CHAMPIONSHIP

Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted the following resolution; which was considered and agreed to:

S. RES. 142

Whereas the Texas A&M University women's basketball team, the Lady Aggies, won its first National Collegiate Athletic Association Division I Women's Basketball Championship (referred to in this preamble as the ''national championship'') by defeating Notre Dame by a score of 76 to 70, becoming the first team to win the national championship title on its initial try since 2005;

Whereas the Lady Aggies finished the 2010-2011 season with an impressive record of 33 wins and 5 losses;

Whereas Coach Gary Blair brought the Lady Aggies to their first NCAA National Women's Basketball Championship with a starting lineup that included Danielle Adams, Sydney Carter, Sydney Colson, Adaora Elonu, and Tyra White;

Whereas Tyra White led the Lady Aggies to victory with a 3-point shot with only 65 seconds remaining on the clock and was named to the all-tournament team;

Whereas All-American Danielle Adams scored 30 points, the second-highest number of points ever scored in a national championship game, and finished the 2010-2011 season with more than 800 points;

Whereas the Lady Aggies should all be commended for their teamwork;

Whereas Texas A&M University joins the ranks of the University of Texas, Baylor, and Texas Tech as women's basketball national champions, demonstrating the excellence of Texas A&M University in both athletics and academics;

Whereas the Lady Aggies have significantly advanced the sport of women's basketball by demonstrating hard work and sportsmanship;

Whereas the Lady Aggies overcame intense competition and defied expectations in a very exciting final game;

Whereas the accomplishment of the Lady Aggies is another testament to the strength of women across the State of Texas; and

Whereas the Lady Aggies are the pride of their loyal fans, current and former students, and the rest of the Lone Star State: Now, therefore, be it

Resolved, That the Senate congratulates the Lady Aggies of Texas A&M University on—

(1) winning the 2011 National Collegiate Athletic Association Division I Women's Basketball Championship; and

(2) completing the 2010-2011 women's basketball season with a record of 33 wins and 5 losses.

SENATE RESOLUTION 143—SUPPORTING THE GOALS AND IDEALS OF NATIONAL SAFE DIGGING MONTH

Mr. LAUTENBERG (for himself and Mr. THUNE) submitted the following resolution; which was considered and agreed to:

S. RES. 143

Whereas each year, the underground utility infrastructure of the United States, including pipelines, electric, gas, telecommunications, water, sewer, and cable television lines, is jeopardized by unintentional damage caused by those who fail to have underground lines located prior to digging;

Whereas some utility lines are buried only a few inches underground, making the lines easy to strike, even during shallow digging projects;

Whereas digging prior to locating underground utility lines often results in unintended consequences, such as service interruption, environmental damage, personal injury, and even death;

Whereas the month of April marks the beginning of the peak period during which excavation projects are carried out around the United States;

Whereas in 2002, Congress required the Department of Transportation and the Federal Communications Commission to establish a 3-digit, nationwide, toll-free number to be used by State ''One Call'' systems to provide information on underground utility lines;

Whereas in 2005, the Federal Communications Commission designated ''811'' as the nationwide ''One Call'' number for homeowners and excavators to use to obtain information on underground utility lines before conducting excavation activities;

Whereas ''811'' has helped reduce the amount of digging damage caused by a failure to call before digging from 57 percent in 2004 to 37.5 percent in 2009;

Whereas the 1,400 members of the Common Ground Alliance, who are dedicated to ensuring public safety, environmental protection, and the integrity of services, promote the national ''Call Before You Dig'' campaign to increase public awareness about the importance of homeowners and excavators calling 811 to find out the exact location of underground lines; and

Whereas the Common Ground Alliance has designated April as ''National Safe Digging Month'' to increase awareness of safe digging practices across the United States and to celebrate the anniversary of 811, the national ''Call Before You Dig'' number: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Safe Digging Month; and

(2) encourages all homeowners and excavators throughout the United States to call 811 before digging.

SENATE CONCURRENT RESOLUTION 12—EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT SHOULD TAKE CERTAIN ACTIONS WITH RESPECT TO THE GOVERNMENT OF BURMA

Mr. LUGAR (for himself, Mr. MCCONNELL, Mr. INHOFE, and Mrs. FEINSTEIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 12

Whereas the ruling junta in Burma, the State Peace and Development Council (SPDC), (recently renamed as the State Supreme Council), did not affirmatively respond to President Barack Obama's initiative to engage with Burma;

Whereas more than 2000 political prisoners continue to be detained in Burma, even after the release of Aung San Suu Kyi;

Whereas the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008 (Public Law 110–286) established the position of Special Representative and Policy Coordinator for Burma, and President Obama delayed for over two years to nominate a person for that position;

Whereas the Government of Burma continues to coerce children, including ethnic minorities, into participating in combat and other military roles;

Whereas the Government of Burma continues to coerce civilians, including ethnic minorities, to serve as human minesweepers;

Whereas the Government of Burma continues to coerce civilians, including ethnic minorities, to serve as porters and assist military personnel;

Whereas the United States Government successfully mounted a vigorous and multilateral strategy pursuant to United Nations Security Council Resolution 1874 (2009) to deter a North Korean ship, the Kang Nam I, from traveling to its alleged destination in Burma in July 2009;

Whereas North Korea and Burma are expanding their bilateral military relationship;

Whereas military and other personnel from North Korea have reportedly been in Burma providing technical and other assistance toward the development of the military capabilities of the Government of Burma;

Whereas the Government of North Korea has reportedly provided radar systems and capabilities to the Government of Burma;

Whereas the Government of North Korea has reportedly provided missiles and missile technology to the Government of Burma;

Whereas the Government of North Korea has reportedly provided underground tunneling technology to the Government of Burma;

Whereas the Government of North Korea has reportedly provided multiple rocket launchers to the Government of Burma;

Whereas there are reports that the Governments of North Korea and Burma are collaborating on matters related to the development of Burma's nuclear program;

Whereas the Governments of Russia and Burma collaborated on the development of Burma's nuclear program;

Whereas hundreds of persons from Burma have gone to Russia for specialized training, including in the area of nuclear technology;

Whereas the Government of Burma is acquiring additional MIG aircraft from the Government of Russia;

Whereas hundreds of thousands of persons have fled Burma since 1988 for safety and to avoid persecution; and

Whereas, since October 1, 1989, approximately 80,000 refugees from Burma have resettled in the United States: Now therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) given the growing relationship between the Governments of Burma and North Korea, the President should provide the Congress with an unclassified report as to the volume of ships and planes from North Korea visiting Burma, via China and elsewhere, in 2009, 2010, and through March 2011;

(2) the President should provide leadership by calling for an international investigation into allegations of international crimes against civilians in Burma, including ethnic minorities, by the Government of Burma;

(3) the President should seek the assistance of friends and allies of the United States who actively engage with the Government of Burma and have diplomatic missions in Burma, including Singapore, Japan, and South Korea, to encourage the release of all remaining political prisoners; and

(4) the President should encourage countries neighboring Burma to establish safe havens for Burmese child soldiers fleeing from forced military service by the Government of Burma.

AMENDMENTS SUBMITTED AND PROPOSED

SA 292. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

SA 293. Mr. BLUNT (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 292. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 116, after line 24, add the following:

SEC. 504. DEBTS SINCE 2005.

(a) DEFINITIONS.—In this section—

(1) the term ''covered area'' means an area—

(A) located in an area that has been identified by the Administrator of the Federal Emergency Management Agency as an area having special flood hazards under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.); and

(B) located in a community that does not participate in the national flood insurance program under the National Flood Insurance Act of 1968; and

(2) the term ''covered assistance'' means assistance provided—

(A) under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174); and

(B) in relation to a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the period beginning on August 28, 2005 and ending on December 31, 2011.

(b) WAIVER AUTHORITY.—The Administrator of the Federal Emergency Management Agency—

(1)(A) may waive a debt owed to the United States relating to covered assistance provided to an individual or household if the covered assistance was distributed based on an error by the Federal Emergency Management Agency; and

(B) shall waive a debt owed to the United States relating to covered assistance provided to an individual or household located in a covered area if the reason for the debt relates to a failure to participate in the national flood insurance program under the National Flood Insurance Act of 1968; and

(2) may not waive a debt under paragraph (1) if the debt involves fraud, the presentation of a false claim, or misrepresentation by the debtor or any party having an interest in the claim.

SA 293. Mr. BLUNT (for himself and Mr. KIRK) 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. 5___. REDUCTION IN NUMBER OF BOUTIQUE FUELS.

(a) SHORT TITLE.—This section may be cited as the ''Gas Accessibility and Stabilization Act of 2011''.

(b) BOUTIQUE FUELS.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) in clause (ii)(II), by inserting ''an unexpected problem with distribution or delivery equipment that is necessary for the transportation or delivery of fuel or fuel additives,'' after ''equipment failure,'';

(2) by redesignating the second clause (v) (relating to the authority of the Administrator to approve certain State implementation plans) as clause (vi); and

(3) in clause (vi) (as redesignated by paragraph (2))—

(A) in subclause (I), by striking ''fuels approved under'' and all that follows through the end of the subclause and inserting ''fuels included on the list published under subclause (II) (including any revisions to the list under subclause (III)).'';

(B) by striking subclause (III) and inserting the following:

''(III) REMOVAL OF FUELS FROM LIST.—

''(aa) IN GENERAL.—The Administrator, after providing notice and an opportunity for comment, shall remove a fuel from the list published under subclause (II) if the Administrator determines that the fuel has ceased to be included in any State implementation plan or is identical to a Federal fuel control or prohibition established and enforced by the Administrator.

''(bb) PUBLICATION OF REVISED LIST.—On removing a fuel from the list under item (aa), the Administrator shall publish a revised list that reflects that removal.''; and

(C) by striking subclause (IV) and inserting the following:

''(IV) NO LIMITATION ON AUTHORITY.—Nothing in subclause (I) or (V) limits the authority of the Administrator to approve a control or prohibition relating to any new fuel under this paragraph in a State implementation plan (or a revision to such a plan), if—

''(aa) the new fuel completely replaces a fuel on the list published under subclause (II) (including any revisions to the list under subclause (III)); and

''(bb) the Administrator, in consultation with the Secretary of Energy, publishes in the Federal Register, after providing notice and an opportunity for public comment, a determination that the control or prohibition will not cause any fuel supply or distribution interruption or have any significant adverse impact on fuel producibility in the affected area or any contiguous area.''.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, April 13, 2011, at 10 a.m., to conduct an executive business meeting to consider the nomination of William J. Boarman, of Maryland, to be the public printer.

For further information regarding this hearing, please contact Lynden Armstrong at the Rules and Administration Committee, (202) 224–6352.

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 field hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, April 27, 2011, at 1:30 p.m., at the Santa Fe Convention and Visitors Center, 201 W. Marcy St., Santa Fe, New Mexico.

The purpose of the hearing will be to receive testimony on the current drought conditions affecting New Mexico and the status of reports to be issued pursuant to Sections 9503 and 9506 of the SECURE Water Act regarding a review of the current scientific understanding of the impacts of climate change on water resources and an assessment of the risks associated with climate change on water resources in certain river basins.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Meagan_Gins@energy.senate.gov.

For further information, please contact Tanya Trujillo at (202) 224–5479 or Meagan Gins at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 12, 2011, at 10 a.m.

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

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 12, 2011, at 2:30 p.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 12, 2011, at 2:45 p.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. 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 12, 2011, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS AND SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works and the Subcommittee on Water and Wildlife be authorized to meet during the session of the Senate on April 12, 2011, at 10 a.m. in Dirksen 406 to conduct a joint hearing entitled ''Natural Gas Drilling: Public Health and Environmental Impacts.''

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS AND SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works and the Subcommittee on Clean Air and Nuclear Safety be authorized to meet during the session of the Senate on April 12, 2011, at 12:45 p.m. in Dirksen 406 to conduct a joint hearing entitled ''Review of the Nuclear Emergency in Japan and Implications for the U.S.''

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 12, 2011, at 10 a.m., in 215 Dirksen Senate Office building, to conduct a hearing entitled ''Best Practices In Tax Administration: A Look Across the Globe.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 12, 2011, at 2:15 p.m.

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

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND HUMAN RIGHTS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Human Rights, be authorized to meet during the session of the Senate on April 12, 2011, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Fair Elections Now Act: A Comprehensive Response to Citizens United.''

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

SUBCOMMITTEE ON CRIME AND TERRORISM

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Terrorism, be authorized to meet during the session of the Senate, on April 12, 2011, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Cyber Security: Responding to the Threat of Cyber Crime and Terrorism.''

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on April 12, 2011, at 10:30 a.m., to conduct a hearing entitled ''Examining the President's Plan for Eliminating Wasteful Spending in Information Technology.''

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on April 12, 2011, at 2:30 p.m., to conduct a hearing entitled ''Financial Literacy: Empowering Americans to Make Informed Financial Decisions.''

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

PRIVILEGES OF THE FLOOR

Mr. FRANKEN. Mr. President, I ask unanimous consent that floor privileges be granted to Ashley White of my staff for the duration of the consideration of the pending bill, S. 493.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Amy Groshong, Rosie Romano, and Taylor Trovillon of my staff be granted floor privileges for the duration of today's session.

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

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2011 first quarter Mass Mailings is Monday, April 25, 2011. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116.

The Public Records office will be open from 9:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

CONGRATULATING LADY AGGIES OF TEXAS A&M UNIVERSITY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 142.

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

The bill clerk read as follows:

A resolution (S. Res. 142) congratulating the Lady Aggies of Texas A&M University on winning the 2011 National Collegiate Athletic Association Division I Women's Basketball Championship.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 142) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 142

Whereas the Texas A&M University women's basketball team, the Lady Aggies, won its first National Collegiate Athletic Association Division I Women's Basketball Championship (referred to in this preamble as the ''national championship'') by defeating Notre Dame by a score of 76 to 70, becoming the first team to win the national championship title on its initial try since 2005;

Whereas the Lady Aggies finished the 2010-2011 season with an impressive record of 33 wins and 5 losses;

Whereas Coach Gary Blair brought the Lady Aggies to their first NCAA National Women's Basketball Championship with a starting lineup that included Danielle Adams, Sydney Carter, Sydney Colson, Adaora Elonu, and Tyra White;

Whereas Tyra White led the Lady Aggies to victory with a 3-point shot with only 65 seconds remaining on the clock and was named to the all-tournament team;

Whereas All-American Danielle Adams scored 30 points, the second-highest number of points ever scored in a national championship game, and finished the 2010-2011 season with more than 800 points;

Whereas the Lady Aggies should all be commended for their teamwork;

Whereas Texas A&M University joins the ranks of the University of Texas, Baylor, and Texas Tech as women's basketball national champions, demonstrating the excellence of Texas A&M University in both athletics and academics;

Whereas the Lady Aggies have significantly advanced the sport of women's basketball by demonstrating hard work and sportsmanship;

Whereas the Lady Aggies overcame intense competition and defied expectations in a very exciting final game;

Whereas the accomplishment of the Lady Aggies is another testament to the strength of women across the State of Texas; and

Whereas the Lady Aggies are the pride of their loyal fans, current and former students, and the rest of the Lone Star State: Now, therefore, be it

Resolved, That the Senate congratulates the Lady Aggies of Texas A&M University on—

(1) winning the 2011 National Collegiate Athletic Association Division I Women's Basketball Championship; and

(2) completing the 2010-2011 women's basketball season with a record of 33 wins and 5 losses.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL SAFE DIGGING MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 143.

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

The bill clerk read as follows:

A resolution (S. Res. 143) supporting the goals and ideals of National Safe Digging Month.

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

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

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

The resolution (S. Res. 143) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 143

Whereas each year, the underground utility infrastructure of the United States, including pipelines, electric, gas, telecommunications, water, sewer, and cable television lines, is jeopardized by unintentional damage caused by those who fail to have underground lines located prior to digging;

Whereas some utility lines are buried only a few inches underground, making the lines easy to strike, even during shallow digging projects;

Whereas digging prior to locating underground utility lines often results in unintended consequences, such as service interruption, environmental damage, personal injury, and even death;

Whereas the month of April marks the beginning of the peak period during which excavation projects are carried out around the United States;

Whereas in 2002, Congress required the Department of Transportation and the Federal Communications Commission to establish a 3-digit, nationwide, toll-free number to be used by State ''One Call'' systems to provide information on underground utility lines;

Whereas in 2005, the Federal Communications Commission designated ''811'' as the nationwide ''One Call'' number for homeowners and excavators to use to obtain information on underground utility lines before conducting excavation activities;

Whereas ''811'' has helped reduce the amount of digging damage caused by a failure to call before digging from 57 percent in 2004 to 37.5 percent in 2009;

Whereas the 1,400 members of the Common Ground Alliance, who are dedicated to ensuring public safety, environmental protection, and the integrity of services, promote the national ''Call Before You Dig'' campaign to increase public awareness about the importance of homeowners and excavators calling 811 to find out the exact location of underground lines; and

Whereas the Common Ground Alliance has designated April as ''National Safe Digging Month'' to increase awareness of safe digging practices across the United States and to celebrate the anniversary of 811, the national ''Call Before You Dig'' number: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Safe Digging Month; and

(2) encourages all homeowners and excavators throughout the United States to call 811 before digging.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to provisions of Public Law 106–79, appoints the following Senator to Dwight D. Eisenhower Memorial Commission: the Senator from Kansas, Mr. MORAN.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 94–118, Section 4(a)(3), appoints the Senator from Alaska, Ms. MURKOWSKI, to the Japan-United States Friendship Commission.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 96–388, as amended by Public Law 97–84, appoints the following Senator to the United States Holocaust Memorial Council for the 112th Congress: the Senator from Utah, Mr. HATCH.

The Chair announces, on behalf of the Republican leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105–275, adopted October 21, 1998, further amended by S. Res. 75, adopted March 25, 1999, amended by S. Res. 383, adopted October 27, 2000, and amended by S. Res. 355, adopted November 13, 2002, and further amended by S. Res. 480, adopted November 21, 2004, the appointment of the following Senators as members of the Senate National Security Working Group for the 112th Congress: Senator JON KYL of Arizona, administrative cochairman; Senator MITCH MCCONNELL of Kentucky, cochairman; Senator THAD COCHRAN of Mississippi, cochairman; Senator LINDSEY GRAHAM of South Carolina, cochairman; Senator RICHARD LUGAR of Indiana; Senator JEFF SESSIONS of Alabama; Senator BOB CORKER of Tennessee; Senator JOHN MCCAIN of Arizona; Senator JIM RISCH of Idaho; and Senator ROY BLUNT of Missouri.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the Senator from Texas, Mrs. HUTCHISON, from the Committee on Appropriations, and the Senator from North Carolina, Mr. BURR, at large, to

the Board of Visitors of the U. S. Military Academy.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senators to the Board of Visitors of the U. S. Naval Academy: the Senator from Illinois, Mr. KIRK, from the Committee on Appropriations, and, the Senator from Arizona, Mr. MCCAIN, from the Committee on Armed Services.

The Chair, on behalf of the Vice President, pursuant to title 46, Section 1295(b), of the U.S. Code, as amended by Public Law 101–595, and upon the recommendation of the chairman of the Committee on Commerce, Science, and Transportation, appoints the following Senators to the Board of Visitors of the U. S. Merchant Marine Academy: the Senator from Georgia, Mr. ISAKSON, from the Committee on Commerce, Science, and Transportation, and the Senator from Arkansas, Mr. BOOZMAN, at large.

The Chair, on behalf of the Vice President, pursuant to Public Law 70–770, appoints the Senator from Mississippi, Mr. COCHRAN, to the Migratory Bird Conservation Commission.

The Chair, on behalf of the Vice President, pursuant to Public Law 93–642, appoints the following Senator to be a member of the Board of Trustees of the Harry S. Truman Scholarship Foundation: the Honorable ROY BLUNT of Missouri, vice the Honorable Kit Bond of Missouri.

SMALL BUSINESS JOBS BILL

Mr. REID. Mr. President, we are working on a way to move forward on the small business jobs bill. Staff has been working on this today. We have quite a number of amendments on which we are trying to get an agreement. We have not been successful yet. I hope we can be tomorrow because we need to wrap up that bill in anticipation of the work we have to do on passing the continuing resolution for the rest of this fiscal year.

ORDERS FOR WEDNESDAY, APRIL 13, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, April 13; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for debate only until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the time from 11:30 a.m. until 12:30 p.m. for the purpose of a colloquy, and the majority controlling the time from 1 p.m. until 2 p.m., and the majority leader recognized at 3 p.m.

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

PROGRAM

Mr. REID. As I indicated, Mr. President, we are working to complete action on the small business jobs bill that Chairman LANDRIEU has been so patient in helping us move forward.

In addition, the text of the long-term CR has been filed in the House and is available for everyone's review. It is on the Internet. People can read it there also. We expect to receive it from the House on Thursday. Senators are encouraged to come to the floor to debate it tomorrow. Senators will be notified when votes are scheduled.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order, following the remarks of Senator HARKIN, which will not exceed 15 minutes.

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

BUDGET PRIORITIES

Mr. HARKIN. Mr. President, there is one point on which every Senator agrees, Democrats and Republicans alike: The economic recovery is starting to gain strength, and it is time to focus our attention on reducing deficits and restoring fiscal discipline. The current deficits are unsustainable and present a very real danger to our Nation's future economic prosperity; however, there is sharp disagreement as to how best to achieve that shared goal.

Along with other Democratic Senators, I advocate a balanced approach that includes spending cuts and necessary revenue increases while continuing to make crucial investments in education, infrastructure, and research, the investments that are absolutely essential if we are going to stay competitive in a global economy. We know this approach can work because it is what we did under President Clinton's leadership in the 1990s. That budget at that time created large surpluses and put us on the track to completely eliminating the national debt within a decade. It also created a brief era of shared prosperity with 22 million new jobs and 116 consecutive months of economic expansion.

By contrast most Republican Senators favor an approach that I consider to be unbalanced, unfair, and highly unlikely to succeed. We have now had nearly a week to evaluate the House Republicans' budget proposal for 2012 and beyond—the so-called Ryan budget. Let's look at what this truly radical budget plan would do.

It completely dismantles Medicare and Medicaid.

It concentrates two-thirds of its spending cuts on programs serving the most disadvantaged people in our society, including seniors and people with disabilities, even as it preserves huge subsidies for special interests.

It exempts corporations and wealthy individuals from shared sacrifice in order to bring deficits under control. To the contrary, this Republican tea party plan locks in the Bush tax cuts for the wealthy—tax cuts that were passed 10 years ago when we were looking at budget surpluses as far as the eye could see.

Well, under our present circumstances, the wealthy don't need these tax breaks, and we can't afford them. This budget of Mr. RYAN's and Republicans slashes the tax rate from 35 percent to 25 percent. That is the lowest level since 1931. Indeed, this so-called deficit reduction plan includes tax cuts that would cost $2.9 trillion over the next 10 years compared to the CBO baseline, and that is according to the nonpartisan Tax Policy Institute.

This tea party budget plan repeals the new health reform law, stripping 34 million nonelderly Americans of health coverage and eliminating all the consumer protections in the law, including the ban on discrimination based on preexisting conditions.

This budget of the Republicans repeals the Dodd-Frank Wall Street reform law, allowing financial manipulators to return to the same reckless practices that led to the financial collapse, to the great recession, and to much of our current huge budget deficits.

This budget cuts the maximum Pell grant award even as more students are enrolling in higher education to give themselves the skills they need for the modern economy.

How bizarre that several pundits have called this Republican tea party budget plan ''courageous.'' There is nothing courageous about targeting the most vulnerable people in our society for the overwhelming share of cuts. There is nothing courageous about giving another huge tax cut bonanza to those who have seen their incomes skyrocket in recent years. There is nothing courageous about destroying the retirement security of tens of millions of American seniors, including dismantling Medicare and hacking away at Social Security. There is nothing courageous about gutting Medicaid, the program that millions of seniors and people with disabilities depend on to pay for care such as nursing home care or home health aids.

Let's be clear. There is nothing courageous in this Republican tea party budget. To the contrary, I suggest it is a cowardly budget. It is a bully's budget. In this budget the powerful and the privilege attack the weak and the vulnerable.

We all understand what is going on. Republicans are seizing on the budget crisis as a pretext for ramming through a longstanding ideological wish list. At the State level—in Iowa, Wisconsin, Ohio, and elsewhere—Republicans are using the budget crisis as a pretext for an assault on public workers, including teachers and firefighters and others. On Capitol Hill they are using it to try

to, as I said, defund health care reform, to destroy Medicare and Medicaid, Social Security, and, yes, to cut tax rates even more deeply for corporations and the wealthiest in our society.

This tea party budget is an unprecedented assault on middle-class and working Americans. It would drive down Americans' standard of living, shred the economic safety net, reduce access to health care and higher education, and do grave damage to our public schools and their ability to prepare the next generation for the jobs of the future.

Make no mistake. It is not about reducing budget deficits. Republican Governors and Republicans in Congress are demanding budget cuts to programs on which the middle class rely at the same time they continue to push for tax cuts for large corporations and the wealthy.

Call this what it is: Republicans have openly declared class warfare. Republican Governors have the gall to attack teachers, firefighters, police officers, and other public employees as—in the words of Indiana Gov. Mitch Daniels—''the privileged elite''—the privileged elite.

Our police, our firefighters, our public employees are the privileged elite? Why? Well, I suppose because they actually have pensions. They have decent jobs, decent wages, access to health care. For heaven's sake, we shouldn't be dragging people down because they have a middle-class life. We should be working day and night to give every American a decent standard of living, to shore up the middle class rather than tearing it down.

I suppose, to Governor Daniels and others, if the middle class are the privileged elite, then I guess the middle class today are those who are making minimum wage, working at dead-end jobs. Is that the new middle class?

Meanwhile, as Republicans at the State and national level go after the health care and retirement security of middle-class Americans—again, they are going all out to pass new tax breaks for those who have already been showered with tremendous breaks in the past. The tax cuts the congressional Republicans secured in December—that is what was passed in December—will add a whopping $354 billion to the deficit this year and even more next year. The Congressional Budget Office estimates that the tax cuts in the new House budget would cost the Treasury $2.9 trillion over 10 years. Yet now these very same Republicans claim they are worried about the deficit.

Well, they are not fooling anyone. This is not about deficit reduction, it is about ideology. Republicans are taking a meat ax to programs for the middle class—everything from cancer research to education to transportation to health care—and they are gutting the safety net for the elderly, the poor, and people with disabilities.

It is the same old GOP game plan: Give huge, unaffordable tax cuts to corporations and the wealthy while enacting budget cuts that assist the middle class and the most vulnerable.

This new tea party Republican budget gives new meaning to the word ''extreme.'' Let's look at what they have proposed. This budget dismantles Medicare, creating a new private voucher program so future seniors would have to pay out of pocket for many life-saving health care costs. It does nothing to control health care costs. It simply shifts the costs to the elderly individuals.

Get this: The Congressional Budget Office estimates that by 2030, under the Republican budget plan, seniors would have to pay two-thirds of the cost of their health coverage.

Future seniors would see their out-of-pocket costs more than double to $12,500 a year. At the same time, the benefits would be cut in half—in just 20 years. Think about that. People who are now in their forties, looking to when they get on Medicare, will have their benefits cut in half, but they will pay twice as much for it under the voucher system.

This tea party Republican budget reopens the prescription drug doughnut hole which we have set in motion to close under the affordable care act. That would require seniors to pay $3,600 a year more for prescription drugs.

The Republican tea party block grants Medicaid and cuts $1 trillion in health care services, which would end vital services disabled Americans depend on, such as coverage for home health aides, assistance services so they can get a job, or going to a nursing home if that is the only option. By shifting costs to the States, this would worsen our State budget deficits.

The Republican budget proposal doesn't stop at dismantling the safety net and programs seniors rely on for a secure retirement. This budget plan makes profound and destructive cuts to the entire range of programs that underpin the American middle-class standard of living, everything from education, student grants and loans, law enforcement, clean air and clean water, food safety, biomedical research, highways, bridges, and infrastructure—in short, all of the programs and services middle-class Americans rely on for a decent way of life and the promise that enhances the ability of the private sector to grow and provide more jobs.

The Republican assault on the middle class is breathtaking both in scope and depth. It could not come at a worse time for working Americans, who are already under enormous strain. It is no secret that people are working harder and longer than ever before, but they still can't seem to meet the cost of basic, everyday needs such as education, transportation, and housing, let alone save enough to support themselves in their old age. Even before the great recession, working people weren't sharing in our Nation's prosperity.

The shared prosperity of the years after World War II created an expanding middle class, a soaring standard of living. But these wages—real wages—peaked in the 1970s, and they have been stagnant ever since. Think about that. They peaked in about 1979. Since 1979, real wages have not gone up. You wonder why middle-class Americans are so upset about what is going on. They realize this. They may not be able to put it in exact language, but I can tell you that middle-class families know what has happened to them. They know they have lost their earning power.

Middle-class jobs are also being shipped overseas—a trend actually encouraged by our Tax Code. Income inequality in America is reaching Third-World levels. Job security, savings, and pensions are disappearing, along with the American dream.

Now, with working Americans barely making ends meet, just barely holding on to a decent way of life, the Republicans have proposed a budget—make no mistake—that will destroy what is left of the middle class in this country. I could not disagree more strenuously with this approach. The future of our Nation depends on our ability to ensure that everybody benefits from economic growth. It means putting policies into place that build a strong and vibrant middle class with good jobs, fair wages, and good benefits. That is the America I want to see—one where people who work hard and play by the rules can live a decent life. Tragically, the tea party budget plan would take us in exactly the opposite direction. It would gut the whole range of programs that support the middle class in this country. It would dismantle the safety net for those with disabilities and for the poor—a safety net that has been painstakingly created over the last 80 years.

This Republican budget plan not only turns the clock back to before the Great Society programs of Pell grants, housing, and support for people in the middle class, it would turn it back to even before the New Deal. It would gut all Federal support that is basic for education. It would all but eliminate Federal support for infrastructure, which means we will fall even further behind China and the European Union, which are investing massively in everything from ultramodern ports, to high-speed rail, to state-of-the-art roads and bridges. Right now, China is investing between 8 and 10 percent of its GDP in infrastructure. We are at 2 percent and going down.

Indeed, this tea party budget aims to dismantle the Federal Government as we know it. It proposes to shrink discretionary spending—including defense—and other minor mandatory program spending from 12 percent of GDP last year to 6 percent of GDP in 2022 and to just 3.5 percent of GDP per year in the long run. Think about that. It would shrink discretionary spending and other mandatory spending from 12 percent of the budget last year to about 3.5 percent of the budget over the

long run. Well, that is about the same level of Federal spending during the Presidency of Calvin Coolidge, nearly a century ago, when defense spending was very small and there was very little, if any, support for education and the infrastructure of our country. We don't live in the era of Calvin Coolidge any longer, but this budget would take us back to that time.

Adding insult to injury, this budget plan makes a mockery of the concept of shared sacrifice to reduce deficits. Apparently, it wasn't enough to bail out the Wall Street bankers whose reckless gambling and risk-taking created the great recession; now we are being asked to cut programs for working Americans so that Wall Street can get another giant tax cut.

This Republican tea party budget is built on bad priorities, bad policy, and just plain bad values. As columnist E.J. Dionne points out, Americans can see ''how radical the new conservatives in Washington are, and the extent to which some politicians would transfer even more resources from the have-nots and the have-a-littles to the have-a-lots.''

Going back to the 1930s, the American people have supported and strengthened an unwritten social contract. That social contract says that we will prepare our young, care for our elderly, and build a safety net for those who fall, who become disabled or sick. That unwritten social contract says that if you work hard and play by the rules, you will be able to rise to the middle class or even beyond. That social contract says that if you start at the bottom, you will have a ladder of opportunity to the middle class. It says that a cardinal rule of government is to provide a ladder of opportunity so that every American can realistically aspire to the American dream.

But in one fell swoop, this Republican budget rips up that social contract. It replaces it with a winner-takes-all philosophy that tells struggling, aspiring people and communities across America: You are on your own.

If you are a low-income high school student who can only afford college with the help of a generous Pell grant, this budget says: Tough luck. You are on your own.

If you are a working couple with two kids who can't scrape together enough money to purchase decent health insurance, this budget says: Tough luck. You are on your own.

If you are a poor rural community that needs assistance to pay for a new sewer system or a flood control project, this budget says: Tough luck. You are on your own.

If you are a poor, urban community struggling to find funding to create high-quality K–12 public schools for your children, this budget says: Tough luck. You are on your own.

If you are a retiree with serious health problems and can't afford the big out-of-pocket costs in this Republican plan to do away with Medicare or if your health insurance company abruptly cancels your policy, this budget says: Tough luck. You are on your own.

If you are a low-income family who counts on Federal nutrition assistance and you are trying to decide whether to spend scarce dollars on food or medicine, this budget says: Tough luck. You are on your own.

Mr. President, this would not be the America we have come to know and love. It is not the kind of America my grandparents and your grandparents or our fathers and mothers built for us and for future generations. It is not the America that built the best middle class history has ever seen. This budget is not the kind of America my friends and neighbors in Iowa would find acceptable.

So, mark my words, this budget is not a courageous budget. As I said, it is a cowardly budget, a bully budget. And the American people will not stand for this unwise, unbalanced, unfair assault on their economic security, their way of life, and the America our grandparents and our parents built for us and for future generations.

Mr. President, I will oppose with every fiber of my being these grossly, misguided proposals in every way I can. And I can assure you, Mr. President, the American people will not stand for this tea party Republican budget either.

MEASURE READ THE FIRST TIME—H.J. RES. 37

Mr. HARKIN. Mr. President, I understand there is a House joint resolution at the desk, and I ask for its first reading.

The PRESIDING OFFICER (Mr. BENNET). The clerk will read the joint resolution by title for the first time.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 37) disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices.

Mr. HARKIN. I now ask for its second reading, and in order to place the joint resolution on the calendar under the provisions of rule XIV, I object.

The PRESIDING OFFICER. Objection is heard. The joint resolution will be read the second time on the next legislative day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:31 p.m., adjourned until Wednesday, April 13, 2011, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 12, 2011:

THE JUDICIARY

VINCENT L. BRICCETTI, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

JOHN A. KRONSTADT, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.