

dissidents, and I have heard the same question from them again and again: Why has President Obama not spoken out personally about what is happening in Syria?

I say: The administration has made statements.

They say: We need to hear and see the President and hear his voice—President Obama—making clear his disdain and refusal to accept what is happening in Syria today.

So I respectfully urge the President to answer these appeals by Syrian freedom fighters for support of their cause. I hope the President can make clear once again, as he did so effectively in the cases of Egypt and Libya, that Bashar al Asad has lost the legitimacy to lead Syria, and it is time for Bashar to go.

The United States can also work with our allies and partners to increase international pressure on the Asad regime. Press reports indicate, I am pleased to note, that the European Union is preparing to put in place an arms embargo against Syria, and it is also considering targeted human rights sanctions against top Syrian officials. I fervently hope our European friends and allies take these and further steps to increase the pressure on the Asad regime.

I am especially encouraged that the French Foreign Minister this week correctly called for Bashar al-Asad to be sanctioned directly himself, to tie up his economic assets, to limit his mobility. In addition to our EU partners, I wish to say I believe Turkey can also play a unique leadership role in the days and weeks ahead to support a successful democratic transition in Syria.

No one has worked harder than Prime Minister Erdogan to encourage Bashar al-Asad to reform, to accept the legitimate demands of the Syrian people, and embrace democracy. Unfortunately, despite these efforts, Asad has ignored the wise counsel of the Turkish leader and refused to respond with action. I, therefore, hope President Obama will find a way to partner directly with Prime Minister Erdogan on developing a new strategy toward Syria, one that recognizes that despite our hopes and efforts, there will be no real progress as long as Bashar al-Asad remains in power in Damascus, a policy that aligns our two democracies—America and Turkey—unequivocally with the democratic aspirations of the Syrian people.

We should also work with our allies on the U.N. Human Rights Council to ensure that the investigative mission to Syria, which was agreed upon by the Council last week, is undertaken immediately. Every day matters. We should work to refer Asad's regime to the International Criminal Court—again, as we did in the case of Libya.

What the Asad regime is doing to the people of Syria looks every day more the mirror image of what the Qadhafi regime has done to the people of Libya. For its actions in the city of Deraa and

throughout the country, the Asad regime deserves to be investigated by the International Criminal Court.

I respectfully urge our own administration to use the diplomatic clout that we have at the United Nations to put what is happening in Syria on the agenda of the U.N. Security Council.

I have no illusions about the challenges and obstacles that exist at the Security Council at this time to taking action with regard to what is happening in Syria, but we must try. If the Security Council fails to take up what is happening in Syria, perhaps because of the opposition of the Russians and the Chinese, it does so at the expense of its own international credibility and legitimacy.

Finally, I hope President Obama will work together with our international allies to provide the Syrian people with the humanitarian assistance that they urgently need—food, water, and medical supplies—and to restore communications linkages that the Asad regime has cut among the freedom fighters in various communities in Syria. Asad has cut them in an effort to prevent news and information about what is happening in Syria also from reaching the outside world.

The situation in Syria is fast approaching the point of no return. The fact is, several hundred Syrians have been killed by Asad's security forces. This is a regime that I conclude is beyond self-correction. Bashar al-Asad is not a reformer. He is a corrupt dictator and an inhumane thug and his regime has long been one of the worst in the Middle East. It is time for him to go.

Let me conclude by adding that nearly a decade after the attacks of September 11, Americans and people throughout the world awoke Monday morning to a safer, better world with Osama bin Laden gone. It is fitting that Osama bin Laden has been killed just as Arab democracies across the Middle East and North Africa are being born, are coming to life. The peaceful, youth-driven democratic revolutions now taking place in Syria, Tunisia, Egypt, and Libya are the true repudiation of the extreme ideology that I will call bin Ladenism. To rid our world not only of bin Laden but of bin Ladenism, it is critical that we now do everything in our power to help the democratic forces in Syria and across the Middle East succeed, for it will ultimately be quite correctly and powerfully at the hands of his fellow Arabs and Muslims that the hateful and violent ideology of bin Laden and its manifestations of a different sort in dictatorships across the Middle East are finally discredited and abandoned on the ash heap of history where they belong.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PROTECTING AMERICA'S WATERS

Mr. CARDIN. Madam President, this month people all over the country will grab their tackle boxes and head off in pursuit of the elusive trout in mountain streams. Mothers and fathers will turn on their kitchen faucets and hand their children glasses of clean, pure drinking water that we have in this country. Farmers will irrigate their spring plantings in vegetables and grains with clear water from nearby streams.

All over the United States, Americans will take advantage of the simple but priceless natural resource of America's water. Thanks to the actions taken by the Obama administration last week, we can rest assured these vital resources are being protected by the full strength of the Clean Water Act.

Last week, the Obama administration released a guidance document on the jurisdictional waters of the United States. The document was a sensible response to the confusion left in the wake of recent Supreme Court rulings. The draft document that was released last week will help the Army Corps of Engineers and the U.S. Environmental Protection Agency in the near term as they make decisions about whether projects will impact the waters of the United States and therefore require protective permits.

Eventually, this draft document will be replaced by formal regulations that will ensure the Clean Water Act continues to protect America's waters. For nearly 40 years, the Clean Water Act has safeguarded almost all of our Nation's waters. These safeguards protect our rivers, streams, and wetlands from pollution in accordance with Congress's intent that the landmark statute, "restore and maintain the chemical, physical and biological integrity of the nation's waters."

Nowhere in America is this more important—the enforcement of the Clean Water Act—than the Chesapeake watershed. We understand more than 100,000 rivers and streams come together to form North America's largest estuary, and they are all critical to the health of the Chesapeake Bay.

These streams and rivers, along with their associated wetlands, serve as a habitat for hundreds of species, buffers for slowing the flow of pollutants into the bay, and sponges that soak up and hold large amounts of floodwater and stormwater runoff.

Despite major steps forward that have resulted in a majority of the Nation's waters now being safe for fishing, swimming, and other uses, recent Supreme Court decisions have placed this progress at risk. The guidance developed by professional scientists and

improved by the Obama administration provides strong protection for our Nation's waters and restores the ability of Federal agencies to enforce the Clean Water Act. I also wish to underscore the fact that the guidance reflects the longstanding agricultural and other exemptions codified in the Clean Water Act.

This is a commonsense solution right in the mainstream of American values.

The Supreme Court's recent rulings put millions of acres of wetlands and thousands of miles of streams at risk. The Court's decision in its 2001 ruling in *SWANCC v. U.S. Army Corps of Engineers* and its more recent rulings in 2006—*Rapanos v. United States* and *Caravell v. Army Corps of Engineers*—threatened to roll back the Clean Water Act, making nearly 60 percent of our Nation's waters vulnerable to polluters.

The waters threatened by the narrowing of the Clean Water Act protections are important for fish and wildlife habitat, flood protection, and supply of drinking water. More than 117 million Americans receive drinking water supplied, at least in part, by headwaters and similar streams. These vital streams and wetlands are also critical to the health of our most treasured water bodies from the Chesapeake Bay, to the Great Lakes and Lake Champlain, to Puget Sound.

Millions of small streams and wetlands provide the fresh water that flows into these regional economic engines. If we do not protect this incredible network of waters, we cannot hope to restore these water bodies to health.

As Americans, we cherish clean water and the magnificent bounty we are blessed with. That is why last week's announcement was met with such strong support from a broad range of Americans, especially from our sportsmen. Among the groups supporting the administration's actions are Ducks Unlimited, the Izaak Walton League of America, the National Wildlife Foundation, the Theodore Roosevelt Conservation Partnership, and Trout Unlimited.

As chairman of the Water and Wildlife Subcommittee of the Environment and Public Works Committee, I am especially pleased the administration has taken such a strong and sensible approach to protecting our Nation's waters. Too often we raise our voices in criticism of the actions of others. Today, I am proud to add my voice to the chorus of thanks to the Obama administration for a job well done.

Thank you, Madam President. With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

(The remarks of Ms. LANDRIEU pertaining to the submission of S. Res. 158 are located in today's RECORD under "Morning Business.")

Ms. LANDRIEU. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BARRASSO. Madam President, I ask unanimous consent to engage in a colloquy with my colleague, Senator HATCH of Utah for up to 20 minutes.

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

STATE FLEXIBILITY ACT

Mr. BARRASSO. Madam President, I come to the Senate floor as a physician who practiced medicine in Caspar, WY, for about a quarter of a century, and I will talk about the concerns I have about the President's health care law, part of which has taken over \$500 billion from our seniors on Medicare and taken that money not to help Medicare or to help save Medicare or to strengthen Medicare but to put a whole new government program in place.

They want to put about 16 million or so people on Medicaid. It is a program that is not functioning well now. Many doctors don't want to take care of patients on Medicaid. Yet as part of this health care law, there is something called the Medicaid maintenance of effort, and 33 Governors have written to the President saying they don't want this to apply to them.

I am delighted to be a cosponsor of a piece of legislation called the State Flexibility Act. I do that and come to the floor with that as a physician who practiced medicine, and I have been coming to the floor week after week with a doctor's second opinion.

Today, my second opinion is that this State Flexibility Act is a good idea. It gives States the flexibility they need to give the Governors the flexibility they have requested. It is a bipartisan effort in the sense that Governors, whether they be Republican or Democrat, are looking for more flexibility with this Medicaid Program, and specifically the Medicaid maintenance of effort.

I ask my colleague, the senior Senator from Utah, Mr. HATCH, if he could perhaps tell us a little bit about this effort that he has now introduced, which I have cosponsored, the State Flexibility Act.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. I thank the Senator from Wyoming. I appreciate his perspective on this important issue because he is a physician. The Senator has cared for Medicaid patients, and he understands the Medicaid Program better than anyone in this body. The Senator has also served in the State legislature, so he has that experience. He understands that, unlike Washington, States must balance their budgets every year.

I want to talk about the rollback of the Medicaid maintenance of effort or

MOE requirement threatening both Medicare beneficiaries and the financial health of many States throughout the country. I think it is important to go through a little history on this subject.

When Medicaid was first established as a limited State-Federal partnership, less than 5 million Americans used this program. Today, nearly one in four is enrolled in this government program. Medicaid spending now absorbs nearly one-quarter of all State government budgets, often forcing severe cuts to other critical State programs.

Unfortunately, this situation is getting even worse with the Medicaid mandate first imposed in the stimulus bill and again in the partisan health care law. As a result of these Washington mandates, States are being forced to make drastic cuts to important priorities, such as education and law enforcement.

Unlike Washington, which too often just prints money to pay for out-of-control spending, States actually have to make tough budget decisions every year. States are facing the worst budget crisis since the Great Depression, with a collective \$175 billion shortfall. Washington's micromanagement of State Medicaid programs makes it incredibly difficult for the States to balance their budgets and provide for those who are most in need. Because of the overly generous benefit programs that Washington forces on the States, they are unable to target health services to those most in need of assistance. Governors are unable to undertake commonsense reforms that root out program waste, fraud, and abuse.

The result of these MOE requirements is nothing short of a Washington-induced State fiscal crisis.

Mr. BARRASSO. I ask my colleague this: We are from neighboring States, Wyoming and Utah. I ask if the Senator could perhaps explain exactly how these Medicaid maintenance of effort mandates—and I believe they are onerous Washington mandates—directly impact Utah.

Mr. HATCH. In my home State of Utah, the fiscal year 2012 budget shortfall will be approximately \$390 million. That is a lot of money. My State has said:

MOE requirements imposed by the Federal Government will cost the State \$3.2 million annually.

This might not sound like a lot to the people in Washington, DC, who don't bat an eye at trillion-dollar deficits, but in Utah that is a lot of money in the State budget. My close friend in Utah, Governor Gary Herbert, said:

Not a State in this Nation is immune to tough budget decisions, and sometimes Washington makes it even harder. Utah must seriously weigh the real cost of Medicaid, one of the largest and most expensive programs we have. Unfortunately, Federal mandates tie our hands. Utah has zero flexibility to respond to economic conditions, or the option to scale the program back in a way that reflects local values and priorities.

Governor Herbert and many others across the Nation have repeatedly