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Senate

The Senate met at 10 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

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

Let us pray.

Eternal and merciful God, thank You for both spiritual and temporal blessings, particularly the riches of Your mercies poured down upon us.

Thank You for blessing our lawmakers, for guiding their thoughts and words so that their labors glorify You. Lord, give them the strength and courage to fulfill Your commands, trusting Your wisdom more than their own. Save them from either desiring or seeking the honor that comes only from humanity, but may they desire Your approval more than life itself. Keep them from evil as they find safety in Your love. Lord, give them the humility to know that no one has a corner on Your truth and that we need each other to discover Your guidance together.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN 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, May 5, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MINORITY LEADER

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

Mr. MCCONNELL. Mr. President, normally in opening the majority leader goes first, but he and I have never viewed this as a contentious process. So since he is not here, I will go ahead with my statement.

JOBS CREATION AND TRADE

Mr. MCCONNELL. Mr. President, when it comes to the state of our economy, the American people have seen enough choreographed rallies on factory floors and speeches that sound good but lead to nothing.

After 2 years of chronic joblessness, they want results.

And that is why we have seen a growing consensus in Washington over the past few weeks that something serious must be done about our Nation's debt.

Even Democrats now admit that failing to bring down the debt would be far more damaging to our Nation's economy in the long run than failing to raise the debt ceiling. The situation has been described as the most predictable crisis in American history. People on both sides of the aisle now realize that the warning bells are too loud to ignore. And last month, President Obama himself made a crucial admission.

In a sign that he too is starting to worry about the prospects of inaction, the President said that failing to produce a serious plan for tackling the deficit and the debt could be a bigger drag on the economy than anything else.

So more and more people see the problem. Now the challenge is achieving a result.

And that is why I proposed a few basic principles yesterday that I believe could guide us to success.

This morning, I want to reiterate those principles ahead of the meeting at Blair House.

By setting out clear principles up front, we are far more likely to get somewhere. And to prevent this crisis before it strikes.

First: It is time our friends on the other side stop pitting one group of Americans against another. Solving this crisis will require all of us working together. Let's act like it.

Second: The level of spending that Democrats want to maintain just is not possible without raising taxes on the middle class, which we know is not going to happen. We are only going to solve this crisis by admitting up front that we have a spending problem.

Third: Entitlements need to be a part of this discussion. So let's drop the scare tactics and work together on reform. Nobody is talking about taking anybody's Medicare.

Fourth: Raising taxes is the last thing we should be doing in the middle of a recession. What's more, a bipartisan majority here in the Senate opposes it. So let's set that idea aside and find some common ground instead. If we recognize these things, we can avert this crisis. If we do not, we will not. And I assure you we will all answer for it.

Very few people saw the last crisis coming. This one, on the other hand, is clear as day. Failing to work together in good faith on a solution is completely indefensible. Everybody agrees

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

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this is a crisis. More people, including the President, agree that failing to address it would be disastrous for jobs and the economy. And everybody knows the upcoming debt limit vote is the best opportunity we have to do something about it.

So what are we waiting for?

Doing something meaningful about the debt is the centerpiece of any serious jobs agenda in Washington.

Other things will help on that front. And the President made a small but important step in the right direction yesterday by announcing he was ready to begin talks on a free trade agreement with Colombia, something we have been calling on him to do for years.

Ratifying this agreement, along with other agreements with South Korea and Panama, will open markets to U.S. goods and create thousands of jobs. It was just one of the ideas Republicans included in a comprehensive jobs agenda we released this week, an agenda that focuses on expanding opportunity, lowering costs, and clearing away bureaucratic barriers to growth.

But at the top of our list of the things we need to do to create jobs is bringing down the debt. If we can not get spending under control, we will never get the economy moving.

If the economy does not grow, we will not be able to reduce our deficits and our debt.

And if we do not reduce our massive Federal debt, we face a crisis that makes the financial panic of 2008 look like a slow day on Wall Street.

So this debate couldn't be more important to our near-term and long-term fiscal health.

Everyone has a stake in this debate. If we face up to it like adults, we will not only prevent this most predictable crisis, we will help preserve our way of life. And the best part is no one side will be able to claim the credit. This is the moment. We cannot let it pass.

RECOGNITION OF THE MAJORITY LEADER

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

MEASURE PLACED ON THE CALENDAR—H.R. 1213

Mr. REID. Mr. President, I understand H.R. 1213 is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1213) to repeal mandatory funding provided to States in the Patient Protection and Affordable Care Act to establish American Health Benefit Exchanges.

Mr. REID. Mr. President, I object to any further proceedings in relation to this matter.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 5 p.m. today, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes. The next rollcall vote is going to be Monday, May 9, at 5:30 p.m. We will notify Senators of the subject matter. It will be with regard to a nomination.

THE DEFICIT

Mr. REID. In regard to the comments made by my friend the Republican leader, as I listened to him, I picked up about three or four points that I think are fairly obvious. One is, do not touch the tax cuts for the rich; No. 2, do not touch the tax cuts for the rich; and No. 3 is that they want to go after entitlements. The largest, of course, are Medicare, Social Security, and Medicaid.

We know the Ryan budget calls for privatizing Medicare. Even the Republican majority leader today is quoted in the papers as saying that we are going to have to back off that. I am paraphrasing that, but everyone can read it. It is on the front page of the Washington Post newspaper. But the Ryan budget has a number of ways of saving money. The most significant way of saving money is to destroy Medicare.

The fourth point, after recognizing that, as my friend the Republican leader said, we need to go after entitlements, is, don't tax the rich.

We on this side of the aisle realize we have some problems with spending and we have to do something about it. The problem is not as much about spending as it is about deficits. What are we going to do about these deficits that accumulate every year?

Well, we have some experience from recent years on how to handle that. During the last 4 years of the Clinton administration, we were spending less money than we were bringing in. We were retiring the national debt. In fact, the criticism came from a number of important economists that we were retiring the debt too quickly, that we had to back off that. Well, when President Bush took office, he took that to heart. At the time he took office, there was about an $11 trillion surplus over 10 years. He took care of that. In fact, when President Obama took office, that had been evaporated. It had evaporated. We lost 8 million jobs. It evaporated because we had two wars, all paid for with borrowed money. We had all of those tax cuts paid for with borrowed money.

So on this side of the aisle, we want to do something to rein in these deficits, and we have had experience. We know how to do that. One of the things we did during the Clinton years was unique, but we did it, and it was hard. We had something called the pay-go rules. Without any Washington inside jargon, what this means is that if you have a new program, you have to pay for it. You either have to pay for it by taking other programs and getting rid of those or raising revenue in some way. We did that in the Clinton years. When President Bush took office, his Republican colleagues here in the Congress worked with him and got rid of those rules. That is why we had everything that was unpaid for, and, in fact, ''unpaid for'' is an understatement. It was all borrowed money.

So we know there is a problem with deficits, and we want to work on those.

Today at the Blair House, there is a meeting. I have appointed a couple of people to represent the Democrats in the Senate: Senator INOUYE, chairman of the Appropriations Committee, and Senator BAUCUS, chairman of the Finance Committee. The other three leaders in the Congress have appointed people. They are going to meet and talk seriously about ways of reducing the yearly deficits we have.

I would hope one of the things Vice President BIDEN talks about with them—I am confident it will be—is that we don't need to talk about spending caps; we need to talk about deficit caps. We have to be able to work toward reducing these staggering debts by looking at everything.

I am like most everybody here in this body; we do everything we can to protect these brave men and women who are in the military. But the Government Accountability Office told us in a report recently filed that there is $100 billion a year in the Pentagon that is wasted—$100 billion. When asked in a hearing how many private contractors the military has, they said: We don't know. Upon further questioning, they said: Well, it is between 1 million and 9 million people who are contractors. There is a lot of fat in this. These are the same people who, during the Iraq war, from the hearings conducted by Senator Dorgan, were using wads of hundred-dollar bills to play football. We can save a lot of money by looking at domestic discretionary spending, military spending, and doing a better job of making our tax system more fair.

To show how unfair our tax system is today, we tax the American people about $1 trillion a year—a lot of money—but we give tax breaks to corporations and individuals of $1.1 trillion. The point is we give more in tax breaks than we have as revenue in this country. We ought to change all this. My friend, who is the Presiding Officer, and I see my friend from Utah who will be the ranking member of that important committee, the Finance Committee, are going to have to work together to make this tax system more fair.

I appreciate my Republican friend talking about all the things we need to do, but one thing that is very clear that he doesn't want to touch is the

tax cuts to the rich. It is very clear he doesn't want to do anything to deal with the tax cuts to the rich, and he wants to go after entitlements—and he said so this morning—which are Medicare, Social Security, and Medicaid.

We have a lot of work to do. The only way we are going to work our way through this is on a bipartisan basis. It is the only way we can do it. The heavily Republican House has to recognize that, the Democrats in the Senate have to realize that, and the President has to realize that. And he does. That is why he has convened this bipartisan meeting at the Blair House today, conducted by the Vice President of the United States.

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 5 p.m. for debate only, with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent to speak for 20 minutes.

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

NLRB COMPLAINT

Mr. HATCH. Mr. President, I rise to speak about an unfortunate and, quite frankly, disturbing matter.

While we were all back home during the most recent Senate recess, the National Labor Relations Board's acting general counsel, Lafe Solomon, after 17 months of indecision, issued one of the most far-reaching and outrageous complaints ever issued by the Board against a private business. This complaint against Boeing is one of the most outlandish and regrettable complaints I have seen in all my years in the Senate.

The NLRB's acting general counsel—emphasis on the ''acting''—sitting in his ivory tower in Washington, DC, essentially substituted his business judgment for that of a private corporation. In essence, Mr. Solomon claimed the authority to determine where and how a private company is permitted to do business.

This is a specious claim. Boeing did nothing wrong, and I am confident it will ultimately prevail. Yet this complaint carries a potential cost of billions of dollars and thousands of new jobs for the company in the community where it chose to operate.

So why make this decision at all? Why attack a private company with a legal challenge that will cost an enormous amount of money to defend, disrupts business, undermines the efforts of States to increase jobs and promote economic recovery but that will fail for its lack of merit? The answer is simple. The unions want it. This is another chapter in the sorry relationship between unions, big government, and the party of big government.

I have to say, I admire Mr. Solomon's moxie. By making this decision during a congressional recess, it is almost as if he thought it might avoid our scrutiny. Maybe he thought news such as this might not make its way back to the States. To that I say: Nice try, but you will not escape the scrutiny of the American people when it comes to an action this over the top. Sunshine will fall on a decision this politically motivated. In the light of day, the decision and the decisionmakers are going to look awfully bad.

The NLRB's Boeing complaint has been widely criticized in the media, in the Senate by a number of my colleagues, and throughout the business community as a prime example of a Federal bureaucracy run amok. But this is more than another example of an unaccountable bureaucracy harming job creators and employees. What makes this case particularly ugly is, this is a case of regulators conveniently supporting the interests of big labor against private enterprise. What makes this case appalling is, it is a gift-wrapped present to the interests that just so happen to be the largest contributors to Democratic Party campaigns.

The NLRB issued its complaint against Boeing—one of our Nation's iconic companies—for allegedly transferring assembly work on its Dreamliner 787 fleet of airplanes from Puget Sound, WA, to North Charleston, SC. Boeing made a legitimate business decision to open a new plant with new workers in a new more business-friendly climate. It chose South Carolina, in part, to avoid labor disputes and crippling strikes which had befallen the company repeatedly over the past few years.

When Boeing first made this decision way back in 2009, it had experienced four major labor strikes in 20 years. The most recent work stoppage—a 58-day strike in 2008—cost the company $1.8 billion.

Was the decision to bring new work to South Carolina a prudent business decision? Boeing faces significant global competition. The French company, Airbus, is anxious to take Boeing's business with the help—and backing, I might add—of the French Government.

Was the decision good for American workers? Clearly, Boeing's decision was. In the current marketplace, many of Boeing's competitors might have considered moving jobs overseas. Instead of following that course, Boeing saved American jobs.

The President likes to talk about jobs he has created and saved. Well, not a single job—union or nonunion—was lost in the State of Washington as a result of Boeing's decision. In fact, over 2,000 new jobs have been created in Puget Sound since the company's announcement to begin work on the new facility. This is not to mention South Carolina, where hundreds of new jobs were created. Added jobs in Washington plus added jobs in South Carolina sounds like a win-win for American workers to me.

So, yes, Boeing's decision to build its new plant in South Carolina was good for just about everybody. Yet, without asserting any evidence of anti-union animus on the part of Boeing or of an adverse impact on union workers exercising their legal rights, the NLRB filed its complaint and has sought to step in and make Boeing's business decisions for them.

As South Carolina Gov. Nikki Haley described it in an April 26 Wall Street Journal editorial:

> The excitement of South Carolina turned to gloom for millions of South Carolinians who are rightly aghast at the thought of the greatest economic development success our state has seen in decades being ripped away by federal bureaucrats who appear to be little more than union puppets.

Governor Haley should be applauded for calling the NLRB's decision for what it is: a hand-wrapped present to big labor, courtesy of their friends in the Federal bureaucracy and the administration.

Let's take a look at the NLRB's complaint for a moment. First, let's consider the timing of the complaint. It is highly suspect, if you ask me. The Boeing complaint comes just a few short months before the new South Carolina facility was scheduled to open in July and well after most of the construction was completed and the new workers were hired. In other words, after most of Boeing's substantial investments had been made, the heavy hand of the Federal bureaucracy intervened to dictate that its business decision must be reversed.

In its April 21 editorial, the Wall Street Journal describes the Boeing complaint saying:

> After 17 months and $2 billion, the NLRB sandbags Boeing.

The editorial continued:

> There are plentiful legal precedents to give business the right to locate operations in Right to Work states. That right has created healthy competition among the states and kept tens of millions of jobs in America rather than overseas.

An opinion editorial by Steven Pearlstein in the April 26 Washington Post is even more telling. Although Mr. Pearlstein was, not unexpectedly, somewhat supportive of big labor and the NLRB's actions in this case, he nevertheless acknowledged that:

> [i]f the agency prevails and is able to force Boeing to open an additional production line

for its new 787 Dreamliner in Seattle, it could finally put a brake on the steady flow of manufacturing jobs to right to work states in the South.

Pearlstein hits it on the head here. The decision to file this complaint is an attack on business-friendly States that are attracting companies and creating jobs. It is an effort by Washington Democrats and career bureaucrats to force unionism on the entire country. Yet, in my view, Pearlstein does not adequately state the radicalism of the NLRB's position.

The fact is, if the NLRB—doing the bidding of the International Association of Machinists and Aerospace Workers—prevails, it will give them the right to dictate business location decisions everywhere, even in non-right-to-work States.

There is a great deal of misinformation coming from those who support the NLRB's actions. In this article, Pearlstein inaccurately describes Boeing's new manufacturing facility in South Carolina as a runaway shop. Boeing had no legal obligation to locate any and all new work in Puget Sound. It was not obligated, under any collective bargaining agreement, to keep the work there. It simply chose to locate new work and new expansion in a business-friendly, right-to-work State. Is that a runaway shop? I think not, and I think most everybody would think not.

Apparently, the NLRB agrees with me because the complaint does not allege that this was a classic runaway shop. In those situations, bargaining unit work that is contractually obligated to be performed by members of the union is shut down unilaterally by management. Employees are laid off, and the company stealthily slips out of town with little or no notice, only to reopen in a new location to perform the exact same work on a union-free basis. Under the law, that is wrong.

The NLRB makes no such allegations because that is not what happened in this case. Instead, the complaint falls back on the broad, catchall argument that Boeing's actions were inherently destructive of union workers' section 7 rights, referring to the rights protected by section 7 of the National Labor Relations Act which, in this case, means the right to strike. If that theory were to apply to all cases such as this one, if companies cannot factor labor conditions into decisions regarding new operations without it being inherently destructive of section 7 rights, there is no logical end to what private decisions can be overruled by the NLRB.

This is an agency run amok and trying to take the place of this Congress.

Fortunately, the legal precedents dealing with this type of decision do not support the acting general counsel's interpretation in the Boeing complaint. The cases cited in the complaint are all distinguishable. Not one of them deals with fact patterns involving new work because there is nothing unlawful about opening a new facility to perform new work that is not obligated under an existing collective bargaining agreement.

Put simply, this is just another effort on the part of the union-packed Obama NLRB to undo years of legal precedent to satisfy big labor. If Boeing's actions are inherently destructive of the union's rights, where is the antiunion discrimination? Once again, not a single union worker lost a job or even lost an hour of work as a result of Boeing's business decision.

Let's be perfectly clear. Boeing workers in the State of Washington actually gained new work and gained 2,000 new jobs following the decision in 2009. These jobs are among the best paid in America. Does that sound like anti-union discrimination? Of course not.

This was not a stealth move in the dark of the night. No one was surprised or caught off guard. The machinists' union knew Boeing was building a new facility in South Carolina. Boeing had even discussed a new location with them. Workers knew about Boeing's plans as well and so did the NLRB. But before issuing his complaint, the acting general counsel stewed for 17 months, while new facilities were being constructed at great expense in South Carolina, at a cost of billions of dollars, and workers were hired to run the assembly lines.

It goes without saying that if Carolina workers wanted a union, they, similar to any other private sector employees in South Carolina or any other State, could file a petition with the NLRB for a union representation election. There was no evidence—zero evidence—of anti-union discrimination by Boeing to any union petition or union representation election. But—and I can't stress this enough—the most important factor is, the work in South Carolina was new work which Boeing was not obligated to perform in the State of Washington under its collective bargaining agreement. Boeing simply decided, for sound business reasons, to open a new facility to perform new work in a business-friendly State. This is something businesses can do all the time and do do all the time; that is, they used to do it all the time before President Obama's acting general counsel and the might of the Federal bureaucracy, under the heavy-handed control of big labor, decided to step in and interfere with Boeing's decision. If this complaint is upheld and this interpretation becomes the new status quo, who knows how it will impact businesses in the future?

Every citizen in South Carolina and every Member of Congress—Republican or Democratic—ought to be outraged by the National Labor Relations Board's decision and action. To borrow from Frank Sinatra, if they can do it there, they can do it anywhere. If the NLRB can do this in South Carolina, disrupting business and killing jobs, it can happen anywhere, including Utah or any other right-to-work State. It can happen even in non-right-to-work States as well.

But the most appalling part about this complaint is not the NLRB's borderline frivolous interpretation of the law. No, it is the remedies the agency is seeking. After asserting that Boeing unlawfully transferred bargaining unit work to South Carolina, the acting general counsel—a career NLRB bureaucrat who, throughout his government legal career, has never been responsible for making a single entrepreneurial decision or creating a single job—sought an order stipulating that Boeing's work on the 787 Dreamliner could not be performed in South Carolina and would have to be moved back to the State of Washington. Well, not back; it would have to be moved to the State of Washington. This is a new business.

As is typical in these cases, the Boeing complaint will surely be subject to lengthy litigation, while Boeing's foreign competitors eagerly seek to supplant Boeing's business orders. Even if Boeing ultimately prevails in the litigation battle, it could lose the business war to fierce global competition. That is stupid to put them in this position.

The Machinists know that and so does the NLRB.

Might I remind supporters of the NLRB that justice delayed is justice denied. Here, the longer the wheels of justice turn, the worse it is for Boeing's business and the worse it is for American jobs and prosperity.

Delay does not favor Boeing, but it plays right into the hands of its global competitors, as well as the Machinists Union and President Obama's acting general counsel at the NLRB, who, it seems, would force the company into accepting a settlement that cements an untenable business decision in law.

This is no less than economic warfare being waged by the NLRB on behalf of President Obama's friends—the labor unions—against Boeing, against the workers in South Carolina and all South Carolinians, and against all the 22 right-to-work States across the country. It may even be against the rights and the privileges and the benefits of the people in Washington because if Boeing, to be competitive, has to move offshore, they are going to lose their jobs. In the end, it is economic warfare by the Obama administration against all business friendly States and against capitalism and free enterprise everywhere.

I am not the only one saying this. I note, for example, that the attorneys general in nine States across the country—Nevada, Virginia, Texas, Georgia, Arizona, Oklahoma, Alabama, Florida, and South Carolina—have written to Mr. Solomon asking that the Boeing complaint be withdrawn.

Their April 28 letter states:

This complaint represents an assault upon the constitutional right of free speech, and the ability of our states to create jobs and recruit industry. . . . The only justification for the NLRB's unprecedented retaliatory action is to aid union survival. Your action seriously undermines our citizens' right to work as well as their ability to compete

globally. Therefore, as Attorneys General, we will protect our citizens from union bullying and federal coercion. We thus call upon you to cease this attack on our right to work, our states' economies, and our jobs.

Editorials from newspapers across the country have criticized the Boeing complaint. Even the Seattle Times wrote in an April 22 editorial:

This page regretted Boeing's decision, but has never thought of it as something that could be, or should be, reversed by the federal government.

The article continues, saying:

[T]he National Labor Relations Board has labeled Boeing's decision an unfair labor practice, and is asking a federal court to order the line to be moved to Washington . . . we would celebrate the day Boeing decided to do that—but it is Boeing's decision.

Later the same editorial concluded:

The company has the right to build assembly plants. It can build them in South Carolina or in Afghanistan if it likes. Its decision may be unwise, but it is Boeing's.

These same sentiments were expressed in the President's hometown newspaper. A Chicago Tribune editorial on April 22 described the NLRB acting general counsel's actions a ''gross intrusion.'' The editorial continued:

Boeing, the Chicago-based aviation company, already has one government-induced headache. Its main rival, Airbus SAS, has received from European nations about $20 billion in subsidies that are prohibited by international trade agreements. That is challenging enough for Boeing as it tries to compete in an international market. But when the U.S. government tries to dictate where Boeing can do business . . . that's even harder to stomach.

The Tribune editorial concluded:

The disastrous, unintended message to a major U.S. employer: Keep your mouth shut and find another country to do business.

The Detroit News has the President and his pro-union administration pegged. About this decision, the editors wrote:

President Barack Obama has made conciliatory sounds seeking to reassure business, but the actions of the NLRB illustrate the real face of his administration. Congress ought to hold hearings on reining in the NLRB.

So if the NLRB's complaint is so transparently awful, what is this all about? Let's see. An unfair decision comes late in the game. It threatens to destroy rather than create jobs, and it is based on specious legal reasoning. Rest assured, the issue is not jobs. The issue is union jobs, and the issue is not better pay for workers. The issue is about money in the union coffers. Ultimately, the issue is about the 2012 elections, because money in union coffers means money for Democratic candidates.

The International Association of Machinists Union is important to President Obama. It endorsed him and contributed substantial resources to his campaign. While President Obama could not deliver on such legislative initiatives as the Employee Free Choice Act, he appears determined that every level of government—especially at the National Labor Relations Board—will be turned in the union's favor.

The contempt for the American people on display in this decision is astounding. The President and congressional Democrats were unable to enact the Employee Free Choice Act, even with supermajorities in Congress. That is the card check bill. But not to worry. Just have some bureaucrats do it for them. Since the Congress could not act, why not have these bureaucrats usurp Congress's position and do it for them?

Keep this episode in mind next time we hear progressives talk about the need for enlightened administration. Keep it in mind when we hear progressives—liberals—claim the President is just interested in doing what works and that he is not ideological.

Progressives ultimately have little respect for the rule of law or for the people themselves.

For all their talk about nonpartisanship and doing what works, what they promote is a supposedly enlightened bureaucracy that, in fact, will push liberal policies, regardless of what the people want.

Progressives are to nonpartisanship as Donald Trump is to subtlety.

Ultimately, progressives are as partisan as they come, and they push their liberalism through a vast and permanent bureaucracy that plods along day after day, largely out of sight of the American people, who would never elect representatives who would actually promote this leftist, antibusiness agenda. When former Speaker of the House NANCY PELOSI said elections should not matter as much as they do, this is what she meant. Liberalism should advance no matter what the people of this country actually desire. The foot soldiers who will advance the causes of progressive leftism day in and day out are the unelected and largely unaccountable bureaucrats that churn out page after page of regulation and infiltrate the decisionmaking process of every business, no matter how small the decision or how small the business.

Which brings me to the NLRB's acting general counsel.

How did he even wind up in a position to cause this level of economic mayhem? Not under the established procedure for appointing an interim general counsel under section 3(d) of the National Labor Relations Act, which provides very clearly as follows:

In case of vacancy in the office of the General Counsel the President is authorized to designate the officer or employee who shall act as General Counsel during such vacancy, but no person or persons so designated shall so act (1) for more than forty days when the Congress is in session unless a nomination to fill such vacancy shall have been submitted to the Senate, or (2) after the adjournment sine die of the session of the Senate in which such nomination was submitted.

President Obama ignored the clearly established statutory procedure for appointing an acting general counsel under the National Labor Relations Act and instead made Mr. Solomon his personal acting general counsel under the more generous terms of the Federal Vacancies Act, which is intended to apply to government vacancies in general.

Even if he is technically authorized to do so, the President should not use the Vacancies Act to supplant or displace specific statutory procedures for appointing Federal employees to vacancies where, as here under the National Labor Relations Act, the organic law is perfectly clear as to the intended process.

Why did President Obama make the appointment under the Vacancies Act rather than follow the more preferred and traditional procedure provided under the National Labor Relations Act? The answer is pretty simple.

Under the Vacancies Act, Mr. Solomon is allowed to stay in the job in an acting capacity, without Senate approval, for an initial 210 days—rather than the 40 days provided under the National Labor Relations Act—and then be reappointed again for another 210 days, and a third time for yet another 210 days, until the end of President Obama's term.

This is yet another example of the President end running the law in order to ensconce in office individuals who would have a difficult time surviving the constitutionally required confirmation process—a process that ensures the people and their representatives have some meaningful oversight of the appointee.

So why did no one complain about this appointment before now? I suppose some should have. I suppose after the battle over the nomination of AFL–CIO and SEIU Associate Counsel Craig Becker to the NLRB, many were convinced they could do a lot worse than having a career NLRB civil servant serve as acting general counsel. I am not so sure anyone feels that way now. In fact, in light of his recent actions, including the Boeing complaint, it is hard to conceive of a worse choice for acting general counsel.

That decision should be revisited. That is why I am writing to President Obama to request that he withdraw the appointment of Mr. Solomon.

As far as President Obama's nomination of Mr. Solomon for a full term as general counsel is concerned, it is difficult to imagine how Mr. Solomon could ever be confirmed by the Senate, in view of his actions while serving as acting general counsel.

Government actions such as the ones we have seen with the Boeing complaint are debilitating to our economy at a time when we are struggling to recover from one of the Nation's worst recessions since the Great Depression. Such bureaucratic decisions cost jobs at a time when we are struggling to reduce unemployment. They delay business decisionmaking and interfere with competition. They undermine business confidence in government.

Why should companies invest in expanding business in the United States

if, with the drop of a hat, a Federal bureaucrat can simply reverse that decision and destroy that investment?

At this point, we are left scratching our heads. Why would the acting general counsel do this outrageous act? Unfortunately, the answer appears to be that the decision to issue the complaint was a political one designed to placate an important ally of the President's—organized labor. That answer, while unacceptable, is the only logical answer.

As the April 21 Wall Street Journal concluded:

> Beyond labor politics, the NLRB's ruling would set a terrible precedent for the flow of jobs and investments within the United States. It would essentially give labor a veto over management decisions about where to build future plants.

That must never be allowed to happen. The NLRB should withdraw the Boeing complaint.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I understand that maybe there is an agreement that another Member will speak at 11, so I will yield at that time.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

GREATEST FINANCIAL RISK

Mr. SESSIONS. Mr. President, I am concerned about the financial status of our country. We are clearly on an unsustainable spending path. The people are rightly furious with their Congress. We should, as they well know, never have gotten ourselves in the financial situation we are in today, where we are projected to have a deficit this fiscal year, of $1.5 trillion—the largest deficit the country has ever had—on top of deficits of the last 2 years of $1.2 trillion and $1.3 trillion.

We are on a path to doubling the entire U.S. debt in less than 4 years. In the next 3 to 4 years we will double the entire debt of the United States. We are on an unsustainable path, as every witness who has testified in recent years before our Budget Committee has stated. It is an unacceptable situation.

There was a shellacking in the last election of people, the big government folks. We have not even had a budget in 2 years—in 735 days we have not had a budget. The Budget Act requires the Congress to pass a budget by April 15. The House has done theirs. The Republican House has passed a budget, a historic budget. The Democratic Senate is now talking about commencing hearings on Tuesday. I hope we have a good hearing. Maybe we will.

I just say that our members, the Republican members of the Budget Committee, asked our chairman to do as the House did and make public their budget in advance of the hearing so it can be examined—it is a complicated document, hard to examine, and it takes some time and effort—and not just plop it down the day the hearing starts. I have been informed that business as usual will continue—unlike what the House did in having a document out early. They will bring out a budget that day, and I guess we will commence to try to vote on it.

I don't think that is a healthy way to succeed. We are facing the greatest financial risk, maybe, this country has ever faced. The President appointed a fiscal commission—we call it the debt commission—cochaired by Erskine Bowles and Alan Simpson, who were appointed by the President. They wrote a document and presented it to us with their remarks, which said this Nation is facing the most predictable economic crisis in its history. In other words, they are saying the path we are on is so unsustainable that it is easy to predict that we are facing and heading toward a financial crisis.

There is no higher duty or responsibility for Members of the Congress of the United States than to protect the people of this country from a foreseeable danger. When asked by Chairman CONRAD when we might have such a crisis, Mr. Bowles said it could be 2 years, a little less or a little more. We could have a financial crisis like the one Greece had, or another recession, a surge of inflation, or a surge in interest rates. Senator Simpson, cochairman of the commission, said he thinks it could be 1 year.

The S&P bond evaluators warned that they could downgrade our debt. In fact, Moody's, in December, warned that they could reduce the rating of the American debt in less than 2 years. We are in a serious unsustainable position. We haven't even had a budget. Well, the President is required by law to submit a budget. Every President does.

I asked, when he made his State of the Union Address, that he would address and discuss the danger we are in, why the Nation needs to reduce spending, why it is not some partisan brouhaha but a real threat to the future of the country, and why it is that we must take steps to pull back. He really did not do that in his State of the Union Address. He talked about investments and more investments.

Then I asked that he produce a budget that helps get us over the unsustainable path. I was never more disappointed in the President's budget. He claimed it would save $1 trillion over 10 years. How much is that? Well, according to the Congressional Budget Office, which objectively analyzes these things, the deficit will increase, at the rate we are spending, over the next 10 years, $14 trillion.

What is saving $1 billion? Not nearly enough to get us off the unsustainable path. The debt commission recommended a $4 trillion reduction in spending, which was not enough, either. This was his own commission that he appointed. That was not enough. But at least the numbers were fairly honest. The President's numbers, unfortunately, were not even honest.

The Congressional Budget Office analyzed his budget, and they concluded that it would not reduce the projected increase in debt by $1 trillion, from $14 trillion to $13 trillion. What CBO said was that it was worse. It would add to the debt $2.7 trillion over the CBO baseline. I said at the time that it was the most irresponsible budget ever presented. Maybe someone can find somewhere in the distant past a more irresponsible budget. But when we know we are facing debts and interest rates the likes of which we have never seen before, we need to recognize that we need to make changes. His budget did not change. For example, his budget called for a 10.5-percent increase in educational funding. It called for a 9.5-percent increase in the Energy Department. It called for a 10.5-percent increase in the State Department. It called for a 60-percent increase in spending for the Transportation Department, without any real source of revenue to pay for it, in order to have a monumental new program to build high-speed rail and other items. We do not have the money. The inflation rate is not above 3 percent, and we are getting double-digit increases when the country cannot afford the path we are on. It is unbelievable, really.

After taking great heat from objective observers, the President made a speech. He had a paragraph or two in this speech about the reason we need to have some restraint and reduce spending and why we could not just invest, invest, invest, why we needed to restrain spending. That was in his speech. At least he acknowledged it a little bit, although it was not the detailed, serious engagement of the American people in a discussion as to why we cannot continue at the pace we are on. It was not sufficient to my way of thinking. Maybe I am biased. I do not think so. I do not think he has done that.

In fact, when the Republicans in the House proposed reducing spending this year, he steadfastly opposed it. We have a pattern with the President. He says he is for doing something about the debt path we are on. He opposes any specific action that actually makes a difference in that regard. Then, finally, when they were dragged kicking and screaming into saving $300 billion over 10 years, the President took credit for it as if it was his idea when they have been opposing it all along.

The Democratic leader here proposed a $4 billion reduction in spending, which was nothing. I am worried about where we are heading, how serious we are.

The Senate Republican budget staff has looked at the President's speech

and tried to see what is in it and see where we could go from there. What they found is that it does not reduce spending by $4 trillion. His framework, as he called it, to reduce the deficit by $4 trillion would actually grow the deficit by $2.2 trillion above the Congressional Budget Office baseline.

The American people deserve an honest, fact-based budget. Instead, the President's deficit speech was the biggest gimmick yet. An analysis of the President's April 13 speech exposes the falsity of the claim that this new framework would result in a $4 trillion reduction in the deficit. The announcement reveals that the President's framework is simply a rhetorically repackaged version of the budget he submitted on February 14, a budget that the CBO estimated could actually worsen our deficits by $2.7 trillion.

The committee staff has concluded that the President's framework, compared to the current CBO baseline, would now worsen the debt by $2.2 trillion over 10 years. The President's speech is a sleight-of-hand process that creates the impression of bringing new deficit reduction measures to the table without actually doing so, leaving us at bottom with the original flawed proposal, only presented in language that seems to be new.

Here is how the process worked in the speech and how we analyzed it. I believe this is a fair analysis of it.

One, he offers the same proposals in his framework as his formal budget submission but uses new language.

Two, he assumes savings from his February budget that the Congressional Budget Office has already found to be bogus. He continues to assume savings that the objective Congressional Budget Office says are not legitimate savings. If you score savings in your budget, you can claim you made savings when you have not. We have seen that time and time again. In fact, it is one reason this government is in so much debt.

CBO, by the way, is a bipartisan group, but its leaders are selected by the Democratic majority. They have the majority. This is a group who is not hostile to the President, but they have rejected many of his claims of savings.

Three, it calculates the savings over 12 years. Everybody has been talking about 10 years. He submitted a 10-year budget. To make his numbers look better, he extends it to 12 years and claims more savings than otherwise would be the case if you are comparing apples to apples and oranges to oranges—a 10-year budget.

He adds long-term savings from the just-passed continuing resolution. He claims credit for the spending reductions the House of Representatives forced on us. Some said it was not nearly enough. That is really true. They had proposed saving about $800 billion over 10 years. By the time Democratic resistance had gone forward and the President had resisted, we ended up with only about a $300 billion savings over 10 years. He claims credit for that in his numbers.

As the analysis demonstrates, the framework in his speech offered no new proposals beyond the dangerously flawed February budget. Even if he used their own estimates that have been discredited by CBO, the framework still falls an astonishing $3.2 trillion short of what the deficit commission he appointed recommended.

Perhaps this is why the White House has been unwilling to heed the call of the Senate Budget Committee Republicans. We wrote the President. He has a huge staff over there who works every year on producing a budget. We said: If you made a speech now and if you changed what you had in your budget, translate that into a new budget and send it to us. We had that done in the past a number of times. They refuse. Why? Because a speech is more generalized, it is harder to score, it is harder to analyze, and when you put it into actual print, it can be analyzed, the numbers can be totaled, the deficits can be calculated, and you find out whether it actually does anything worthwhile. They refuse to do it.

As it stands now, we have no plan to have any real reduction of the deficit we are facing from this administration or the Democratic Senate, let alone a framework to reduce it by $4 trillion. But they pretend it is so, and that is offensive. The American people are not happy about it. They know this Senate and this Congress have a responsibility under the law and under any morality and decency to produce a budget that says what we are going to do with their money the next year and how much deficit we are going to incur, how much debt we are going to increase. They have a right to see that. All we have seen is a pushback and lulling and talk of that kind.

So we are heading to it. We are heading to a budget situation in the committee next week. I hope we will. And I think Senator CONRAD, our Democratic chairman, will submit a budget better than the President's budget. Surely it will be. I cannot imagine it will not be substantially better than the budget the President has submitted. But the question is, Will it be enough? They have already blamed PAUL RYAN and the House Budget Committee as being Draconian, ideological, and unreasonable with their budget which would reduce spending $6.2 trillion in honest numbers that they have laid out and defended publicly, which actually confronts some of our long-term spending entitlement programs and tries to get them on a rate of growth not quite as high as it currently is. They are trying to bring this country into a financially sound position.

I do not think the House budget probably goes far enough in the first 10 years to bring our debt under control, but it is an honest, respected document that every objective commentator has praised. Mr. Bowles himself said: If you disagree with Mr. RYAN's budget, at least it is honest, and you need to put your own out there with the same degree of honesty as he did. Mr. Bowles was President Clinton's Chief of Staff, the man chosen by President Obama to head his fiscal commission.

This will be perhaps the most important budget in decades—maybe ever—because our debt situation is deep. It is not easy to get out of the fix we are in. A lot of it is driven by long-term commitments we have made that are unsustainable. We have to confront that honestly and find out how to deal with it in a way that is fair and just.

They say: We cannot cut spending. We need more money for education, 10.5 percent. The State Department needs more money, 10.5 percent. The Energy Department needs more money, a 9.5-percent increase—this year they are proposing, commencing with the October 1, 2012, budget. That is the number the President has submitted. We do not have it.

I ask some of the Members of this body to call Governor Cuomo in New York or Governor Christi in New Jersey or Governor Bentley in Alabama. He just announced he was having to reduce spending by 15 percent, prorate the spending for the rest of this fiscal year by 15 percent. I feel as though that is a message that has been lost in this body.

I see my colleague Senator KLOBUCHAR here. I wanted to share these remarks this morning.

I believe the Vice President is meeting with some people—House and Senate Republicans and Democrats today. Maybe it will be budget No. 3, and maybe the Vice President can fix something. I hope they gave him the responsibility and the freedom to make a decision, or have they told him he cannot cut spending in any significant way? I don't know what they will tell the Vice President, but hopefully something will come out of that and maybe we can get on a better procedure.

At this rate, at this point in our process, we are not in a good position. I am worried about it. Hopefully, we can reach some agreement. If not, we are going to fight it out on the floor of the Senate, of the House, and in conference committee. We are going to change the debt course of this Nation because the American people are going to demand it.

I thank the Chair, and I yield the floor.

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

GAS PRICES

Ms. KLOBUCHAR. Mr. President, it has been nearly 3 years since gas prices were as high as they are now. Back in July 2008, they peaked at about $4 per gallon. We are approaching $4 per gallon for gas today. The average price in Minnesota is $3.94 per gallon, and the

peak driving season is right around the corner.

Back in 2008, I heard from many Minnesotans—from seniors who couldn't afford to drive to their pharmacies to pick up their prescription drugs, from workers who couldn't afford to drive to work, from middle-class moms and dads who had to cancel their summer vacations—who couldn't go up north because gasoline was just too high for their budgets.

Although it wasn't the only factor, these high fuel prices of 3 years ago helped to push our economy into a deep recession. We don't want that to happen again. One of the things we learned 3 years ago is that rising oil prices were not simply the result of supply-and-demand market factors. In fact, the dramatic runup in gas prices was due in part to rampant price speculation by people who had no business being in the oil market.

These were not airlines or trucking companies or other businesses that actually need and use oil and gas and who trade in futures in order to protect their businesses against volatility in the oil market. No, the most frenzied price speculation was by Wall Street traders and hedge fund managers who would never actually touch a drop of oil. They would never use it in their businesses. To them it was just numbers on a computer screen. They were trying to game the system to make some quick profits and then take the money and run, all at the expense of those people in Minnesota or Ohio who are standing there at the gas pump watching those numbers add up.

It is interesting; if we take a look at the gas prices in Minnesota back in 2008—we can, in fact, find it on MinnesotaGasPrices.com—between July and the end of the year, prices dropped from $4 to $1.60 per gallon. Numerous experts have concluded that underlying supply-and-demand fundamentals can't account for the sharp rise or decline in prices.

For example, in the first 6 months of 2008, U.S. economic output was declining while global supply was increasing. But when we look at the cost of oil during that time, it just doesn't match up.

In June of 2007, oil cost $65 per barrel. A year later, in June of 2008, it reached $147 per barrel. It was down to $30 in December of 2008 and back up to $72 in June of 2009. Even if supply and demand were, over the long run, pushing up the price of oil, that alone couldn't explain the massive volatility in the market.

Looking back, we now know much of the dramatic decline in oil prices was the result of Wall Street speculators fleeing the oil market because the spotlight had finally been put on them. In other words, the heat was on, and it got too hot for them to stay.

But here we are today, 3 years later, and the price of a gallon of gas is nearly $1 higher than it was 10 months ago. Once again, I am hearing from Minnesotans who are being squeezed by high prices—families, farmers, and businesses large and small.

There is no doubt some of these prices can be attributed to reduced production from countries such as Libya and Egypt. There is no doubt we can increase domestic production of oil, whether in North Dakota, our neighboring State, where they literally have doubled their production of oil over the last few years, or in Louisiana. Increased domestic production takes time and, in any case, the impact on prices would not necessarily change things—nowhere near what we are seeing right now due to speculation.

That is why a few months ago I wrote to Commodity Futures Trading Commission Chairman Gary Gensler urging him to make swift and strong implementation of speculation limits that were included in the Wall Street reform legislation we passed last year. This legislation authorizes the commission to impose limits on the size of speculative positions in oil futures markets by investors who are not bona fide oil traders. These ''position limits'' are designed to limit market manipulation and make sure the oil market is operating fairly according to supply and demand. We don't want to see Wall Street speculators further drive up oil prices in the coming months.

We also know short-term solutions will only go so far. That is why I have been focused on a long-term energy strategy, a strategy that will provide incentives for our innovators, investors, and entrepreneurs to invest in solutions for our energy future.

In 2008, I helped push through the Commerce Committee, along with a number of my colleagues, the first update to our fuel economy standards in decades. These rules, which are now in place, are expected to save 1.8 billion barrels of oil, about three times as much as Libya produces every year. I am also continuing to work on policies that will increase our homegrown energy production.

It is important to note that studies suggest that biofuels can provide relief at the pump. A recent study from the University of Iowa indicates that from 2000 to 2010 competition from ethanol reduced wholesale gasoline prices by an average of 25 cents per gallon, saving American consumers an average of $34.5 billion each year.

During the gasoline price runup in 2010, the impact of ethanol on gasoline prices was substantially larger, reducing gasoline prices by a national average of 89 cents per gallon and by $1.37 per gallon in the Midwest. Biofuels are the largest and best alternative to imported oil. In fact, we produce more biofuels in this country than we import gasoline from Canada, our largest source of foreign imports.

That is why in March I introduced new legislation with Senator TIM JOHNSON that would significantly boost our Nation's biofuels production and biofuels infrastructure while also providing long-term standards for increasing renewable energy production and major energy efficiency improvements.

First, our bill would provide consumers with more choices at the gas pump by expanding biofuels infrastructure and increasing alternative fuel vehicles. Specifically, it would expand the availability of blender pumps that are capable of dispensing different blends of ethanol and gasoline. It would provide loan guarantees to build new biofuels pipelines and would also require half of the cars produced in 2015 to be flex-fuel vehicles—natural gas-powered, electric-powered, or hybrid vehicles.

Second, to help offset costs, the bill would phase down and eventually phase out the ethanol tax credit. This credit is serving its purpose of helping to reduce the price of gasoline and reducing our dependence on foreign oil by providing consumers choices at the gas pump. But it won't be necessary forever.

Lastly, the bill would create the first national standards for renewable energy and energy efficiency along the lines of Minnesota's 25-percent-by-2025 standard and a 1-percent annual improvement in efficiency.

If I could note, our State has an unemployment rate that is significantly below the national average—two points below the national average. A lot of that has to do with our farm economy, a lot has to do with our innovative companies, but we have done it all with a renewable standard in place—25 percent by 2025. We have done it all with a significant push on ethanol and biofuels and wind and solar. So I say this can be a model for the rest of the country.

Our Nation as a whole has an unemployment rate of 8.8 percent. Gas prices are approaching record levels. We continue to send $730 million a day to foreign countries—many of which have been known to funnel money to terrorists—to meet our basic fuel needs. That is $730 million a day for fuel that we send to other countries. I think we should be investing in the farmers and the workers of the Midwest instead of the oil cartels of the Mideast. But whether it is biofuels plants in the Midwest, electric car factories across this country, electric car battery factories in the Chair's home State of Ohio, that is the future. It is not continuing to send millions of dollars a day to the Mideast.

Each of the provisions in this bill have some support from both Republicans and Democrats, and I am hopeful the bipartisan spirit of this bill can help advance a serious bipartisan discussion about thoughtful solutions to rising gas prices. The key is that everyone needs to realize that inaction is not an option; that bumper sticker slogans will only result in our kicking the can down the road. This is about putting sensible limits on speculation that doesn't affect legitimate companies

that are legitimately hedging their risks. This is about a comprehensive energy plan for the future that includes drilling in Minnesota and other parts of the country but also includes natural gas, includes hydro, includes geothermal and wind and solar and biofuels. That is what this is about.

If we learned anything from Japan—and I support nuclear energy in this country, and I think that should be in the mix as well—it is that we don't want to rely too much on any one source of energy. This idea of looking regionally and looking across the country at different sources of energy is key as we go forward.

During these challenging economic times, we can no longer put our heads in the sand and pretend this isn't happening. Talk to anyone who is filling up their car at the pump now. Talk to anyone who wants to go to their cabin in northern Minnesota for the summer every weekend. They will tell you it does matter. Now is the time to act.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

THE DEBT CEILING

Mr. THUNE. Mr. President, at some time in the not too distant future—there is some speculation about exactly when—our country will be dealing with the issue of exceeding our borrowing authority. In other words, we have maxed out our credit card. That would be the equivalent for the average family when they can't borrow any more money.

So what happens in that event is that Congress has to take action. Congress essentially has to raise the country's borrowing authority. It is called raising the debt limit. We are coming up on that point in time. It could happen sometime in the July-August timeframe. There is some uncertainty as to exactly when that happens, but the point is it will happen.

The reason it will happen is because we have now accumulated $14.3 trillion in debt, and we have hit the limit, the cap, that exists today on our borrowing authority.

Now, $14.3 trillion in the abstract is hard for most people to wrap their heads around because it is such a massive number. If we translate it into individual terms, it amounts to about $46,000 for every single person in the United States, which in and of itself is an astonishing amount.

Our projected deficit this year is $1.425 trillion, which is the largest ever, in nominal terms. According to CBO, it is the second largest as a share of the economy, literally, since World War II. That is as much debt as we ran up from our Nation's founding, going back to the origin of this country up until 1984 or the equivalent, just in this one single year that we are going to rack up in terms of the deficit. The interest on that amounts to about $213 billion every single year or nearly $700 for every person in the United States. That is assuming interest rates stay at these historically low levels.

While the deficit spending is, in fact, something that will merely delay taxes in the future that somebody is going to have to pay, at some point this is going to have to be paid off, and that burden, in all likelihood, is going to fall on our children and grandchildren. But it is not just something we will have to deal with down the road because the implications today, the real-time implications of this level of spending and debt, are very real for the economy.

There is a great body of research that has been done. A study done by economists Reinhart and Rogoff found that countries with a debt-to-GDP ratio of more than 90 percent grew at 1 percentage point less than they would have otherwise. That is a body of research that looks at nations over the last half century. It even goes back further than that but particularly in the last half century and particularly developed nations that have gotten up to that level of debt that exceeds 90 percent of GDP. That is where we are today, 93 percent government debt-to-GDP ratio here in the United States.

If you take that assumption that anytime you reach that debt level and you sustain it over a long period of time, it costs you a single percentage point of economic growth every single year, according to the President's own economic team, that results in the loss of about 1 million jobs. If you think about the real-time implications of this level of spending and debt, it means we are losing about 1 million jobs every single year in the economy.

You cannot say this is something down the road, that we can continue to kick the can down the road. The fact is we are running out of road. We keep kicking the can, but we are at the end of the road. If we do not take steps now, not only is it going to put a crushing burden of debt on future generations and jeopardize the very foundation of our economy, it is going to have real-time implications today, not just in the future.

I suggest that as we look at this issue of the debt limit coming up, it presents a unique opportunity. I hope my colleagues on both sides of the aisle, Republicans and Democrats, can come together. If we do not bring this debt-to-GDP ratio back down, we are going to continue to suffer from these job losses, and the impact of that is really very clear.

When the government is out there borrowing more money, it crowds out private investment, so there is less money for private companies and individuals to invest in companies, equipment, plants, housing, training, all those sorts of things, and it spends money on government, on things that are probably less efficient, less necessary, more duplicative, oftentimes downright wasteful when it comes to the programs and the projects that end up being funded. It means instead of investing, having funding for new factories for people to work in, we have more bureaucrats in places such as the EPA or the National Labor Relations Board who are coming up with all kinds of new regulations that are making it more difficult for our small businesses to create jobs. We have more unnecessary Federal property being underutilized that the private sector could use more efficiently.

Unfortunately, the risk to our economy that comes from this out-of-control spending is more than just that, it is more than just the crowding out of private sector investment and the stifling effects of government regulation. We are beginning to face the very real possibility that our country could face a fiscal crisis. Former Chairman Greenspan has suggested that the risk of this occurring in the next few years is nearly 50–50—an alarming thought. Likewise, Standard & Poor's recently warned of a possible downgrade to the U.S. credit rating in the next 2 to 3 years, when they came out with their assessment of U.S. credit, and said they have attached a negative assessment to it. In most cases—at least in a majority of the cases—within a year's time, that leads to a downgrade of credit rating. That would be disastrous for a country such as ours which has always taken great pride and has been the rock out there when it comes to an AAA credit rating.

It is notoriously difficult to predict ultimately when a debt crisis might occur, but it would be inexcusable for us to continue to spend at these elevated levels without assuming there is even the slightest hint of a risk that this could be very devastating to our country, let alone that risk could be very high. But if it were to occur, we would need drastic spending cuts to drag ourselves out of this fiscal crisis, spending cuts that by today's standards would probably be unimaginable.

But the worst effect of this would be the deep recession it would throw our economy into. Think about that. If we did have a debt crisis in this country, what would that mean? For most people, it is going to mean higher interest rates, it is going to lead to countless job losses, pay cuts for a lot of people if you have job losses, and probably significant loss of savings, which would take a terrible toll on the American people. Those are many of the implications of a debt crisis and the implications it would have on the economy—starting, as I said earlier, with higher interest rates. It would make it more difficult for people to borrow money for a home, for a car, for their business. All those sorts of things would be impacted.

But that does not have to be the case. The reason it does not is because most experts have suggested—and it is really true—that this is the most predictable economic crisis we have ever had. It is not as though we don't see it coming. You see all the warning signs out there. You see all the red flags out

there. It is looking us right in the face. We have an opportunity to do something about it, but it will require that we have the political courage to take on this issue of Federal spending.

Next week, we are going to have an opportunity in the Budget Committee to mark up the 2012 budget, which, incidentally—the budget year starts in a mere 5 months from now. I hope this budget will focus primarily on cutting spending because I think that is the primary driver of our deficits. I am concerned that, instead, it will merely continue to spend too much, borrow too much, and tax too much.

Of course, last year, even though there was a markup in the Budget Committee, there was never a budget brought to the floor of the Senate. The Congress never passed a budget. Nor was there one brought to the floor of the House of Representatives. There was not even a vote on a budget in the House or the Senate last year. We have a $3.8 trillion enterprise called the Federal Government that did not even pass a budget.

I believe the most fundamental responsibility we have to the taxpayers of this country is to come up with a plan about how we are going to responsibly use their tax dollars, to indicate to them that they can expect a good return from those tax dollars by the way we do our budget. Frankly, that did not happen last year. I certainly hope it does this year, but it is going to take some leadership here in the Congress. In the House of Representatives, the Republicans have the majority. They did pass a budget out of the House. I hope the Senate Democrats here will also put a budget on the floor that we will be able to vote on and amend and have a meaningful discussion about spending and debt and what we are going to do to get this country back on a path of fiscal sustainability.

The President, I think you could argue, punted when it comes to the issue of spending and debt, first by saying: I am going to appoint a commission to look at this issue. The economists studied it for several months and came out with some findings and ultimately a report in which they put forward a series of recommendations for dealing with the fiscal crisis. The President sort of distanced himself from those recommendations, chose not to take those or to really engage with that commission and its recommendations, and then subsequent to that submitted a budget this year which, ironically, did not do anything to address the long-term issues of spending and debt but, rather, increased spending over the next decade, massively increased the debt, and increased a lot of taxes on small businesses in this country that are job creators. So you did have this issue: borrowing, spending, and debt continually being advanced and put forward by this President and by many of our colleagues on the other side of the aisle here in the Congress.

The House Republicans put out a proposal that has been criticized by some, but at least they have put forward a plan. They have engaged the issue of what we are going to do to rein in out-of-control spending both in the near term but also in the longer term with the entitlement programs—Social Security and Medicare and Medicaid—which represent 60 percent of all Federal spending. If we do not rein those programs in or come up with a way of reforming those programs so they are viable, when the 80 million baby boomers retire, we are headed for a train wreck. It is inevitable. You cannot, with the numbers facing us and the kinds of deficits we are already running, the amount of debt we have already accumulated, in any way assume we can get out of this crisis absent taking on these issues and coming up with meaningful reforms for Social Security, Medicare, and Medicaid. Whether or not you subscribe to or like the proposals that were put forward by the House Republicans, at least there is a plan out there.

There are a number of suggestions being bandied around here in the Senate. There is a gang of 6 that is looking at some recommendations. As I said, there is going to be a markup we think next week in the Senate Budget Committee. There is now this new commission the President has appointed to look at the issue of, as we approach the vote on the debt limit, what we can do to address spending and debt. But, frankly, we do not have at this point anything in front of us that does deal directly or meaningfully with this issue of out-of-control spending or debt. I hope some of these discussions are fruitful, that they lead to results, and that they at least put alternatives out there we can debate and discuss. But as of right now, the only proposal we have in front of us is the one put forward by the House Republicans. Again, whether or not you like it, it has created a discussion in this country about what we are going to do to fix our fiscal problems.

I believe we ought to at a minimum go back to 2008 spending levels because if we did that, it would take us back to a time before we had these massive runups or increases in discretionary spending. In the last 2 years, we have seen discretionary spending increase by well over 20 percent at a time when inflation in the overall economy was a mere 2 percent. So Federal spending was increasing literally 10 times the rate of inflation over the last 2 years. It makes sense to me that in this fiscal environment where our deficits are literally about $1.5 trillion every single year as far as the eye can see, the least we can do is restrain spending and cut it back to that level we were at in 2008, before we had this massive runup in spending. I think that is a starting point.

I believe we also ought to be looking at the entitlement programs, which, as I said, have trillions of dollars literally of unfunded liabilities. Medicare alone is a $38 trillion unfunded liability. We are currently on a path where that will bankrupt the Nation if we do not make changes.

It strikes me, at least, that you have not only some issues that deal with the near-term spending issues but also those longer term spending issues. In the near term, as I said, if we went back to 2008 levels, we would at least tighten our belts a little bit in a way that I think most Americans would find to be responsible. But the longer term issue, these entitlement programs, have to be taken up.

There are a series of proposals that would deal with that, one of which is a balanced budget amendment to the Constitution. That, frankly, is something I support. I have supported it since I was in the House of Representatives; I have been a cosponsor of that. In fact, when I first got to Congress back in 1997, there was a vote here in the Senate on a balanced budget amendment which failed by one vote. It would take 67 votes in the Senate—two-thirds of the Senate—to approve a balanced budget amendment. It failed by one vote.

I assume, had it passed at that time in the Senate, we would have been able to pass it in the House of Representatives because we did have large majorities and we could have sent it on to the States. It takes 38 States to ratify it, but since most States already have balanced budget amendments in their constitutions, I suspect they would like to see their Federal Government operate with the same sort of fiscal discipline. But it did not pass at that time. I cannot imagine how different our world would be today had it passed 15 years ago and how different this fiscal picture would have looked because it would have put a straitjacket on Washington, DC—something we desperately need. Congress needs discipline imposed upon it. It has not demonstrated historically the capability to deal with these fiscal issues absent some sort of mechanism that puts a straitjacket on the Congress so it cannot spend money.

The balanced budget amendment is something I think we ought to have a debate about, and I hope we do. In the lead-up to the vote on this debt limit, this is one of the proposals we hope to have considered.

As I said before, there are so many States around the country that have balanced budget amendments to their constitutions. Our State of South Dakota is a good example. In the State of South Dakota, the legislature cannot go home until the budget is balanced. That is a requirement. Many States across the country have that same sort of requirement. It is an imperative that requires these States every single year to put their books in order. That is something which is desperately lacking here in Washington, DC, and I hope, again, we could enact a balanced budget amendment.

There are several that have been proposed. I am a cosponsor of a couple of

different versions of that, but we have 47 Republicans who are on a balanced budget amendment, and I hope our colleagues on the other side will join us in at least bringing that to a vote, putting it before the American people, and engaging them in a debate about how best to solve our Nation's fiscal problems. I think they would agree that a balanced budget amendment is a very simple, straightforward way in which to do that.

I also believe we ought to reform our budget process because it is clearly broken. We have a dysfunctional budget process when we cannot pass a budget, when we have a $3.8 trillion enterprise such as the Federal Government and we do not even pass a budget. In most years, typically, we have—if there is a budget that passes, the appropriations bills that follow it are supposed to be completed by the end of the fiscal year, on September 30. Those deadlines routinely are missed.

Typically, what happens is we end up with a big so-called omnibus spending bill at the end of the year that wraps all the various appropriations bills into one massive spending bill, which I do not believe serves the taxpayers very well. It certainly does not allow us, as Members of Congress, to do the appropriate oversight that we should do on various individual agencies of government.

When we throw it all into one big spending bill, as so often happens around here, we lose the transparency and the accountability that is necessary to an effective functioning government. So I believe we ought to reform the budget process.

One of the ways I would do that is to go to a biennial budget. Instead of passing a budget every single year, we would do it every other year. We do it in the odd-numbered years, the years when people are not running for reelection. Because what happens in a year when people are running for reelection is they decide the best way to gain the favor of the voters is to provide more money for this particular program or this program or this constituency or that constituency. As a consequence, there is a momentum to spend more and more money. It strike me that one of the ways we could address that is to do a budget in the odd-numbered years when Members of Congress are not running for reelection. Then, in the even-numbered years, when they are, we look at ways of not how can we spend money but how can we save money. We do more oversight, which is something that is desperately lacking, because many of these Federal programs and agencies so often times sort of do their own thing, absent the appropriate level of oversight. I believe we have a responsibility, as Members of Congress, with whom the legislative responsibility, the power of the purse is entrusted by the Constitution, to do the right types of oversight.

I came across recently a good example when the Government Accountability Office came out with a report. In that report they referenced several different programs. In fact, they dealt with about one-third of all Federal spending. But in examining that one-third of Federal spending, they concluded that there are all kinds of duplications and redundancies in Federal spending.

I will just give a couple by way of example. They discovered that there are 82 programs, spread across 20 different Federal agencies, that deal with the issue of teacher training, that are designed to focus on the issue of teacher training.

Well, I suspect it is arguable about whether that is something the Federal Government ought to be doing in the first place, but it is certainly—I think any American would agree—absolutely insane to have 82 different programs in 20 different agencies doing the same thing.

Something else they discovered was that there are 56 Federal programs that are focused on the issue of teaching financial literacy. I have said this before, and I mean it sincerely, of all places, Washington, DC, should not be leading or doing instructions on financial literacy. But that being said, it is 56 programs spread across 10 different agencies. Do we need that?

That is the kind of thing that gets lost. That is the duplication and inefficiency and waste we all talk about. Yet, because we do not do the oversight we need to, many of these things just continue year after year.

Going to a biennial budget, where every other year we do a budget and then in the even-numbered years, the election years, we are doing oversight, we might actually think of ways to save money for the taxpayers as opposed to spending it.

So a biennial budget, to me, makes sense. I would make the budget resolution we pass binding because right now it is not. As a consequence, it often gets waived. I believe we need to have buy-in from the President. Right now, the budget resolution is passed by the House and the Senate, but the White House does not engage on that. So we do not have teeth in this thing that holds everybody accountable when it comes to spending. Too often that gets waived.

We need to change the way we do things around here with regard to declaring emergencies. Right now, if we want to spend money outside the parameters of the budget, everybody says: Well, it is an emergency. So declaring an emergency has become the norm rather than the exception. It has become the routine in the Congress. We have all these emergency designations which allow Congress to spend and spend. Again, there are not any constraints. It is high time we change that.

So I would make a number of changes in our budget process, which I think would lead to more transparency, more accountability, a more efficient, better-run Federal Government.

That being said, it is not the Federal Government that is going to lead us back to an economic recovery and getting people back to work. It is the hard-working entrepreneurs, it is the small businesses, it is the people in this country who roll up their sleeves every day and go to work trying to make this country stronger and more prosperous.

We are blessed because we have a nation that was founded on some core principles, one of which is economic freedom. We believe in free enterprise and free markets. It is a system that has worked extraordinarily well for this country. Look anywhere else around the world to try and find a rival to what the hard-working entrepreneurs in this country and those basic core economic principles have been able to accomplish. We cannot find one.

It is because of those four principles and the incredible ingenuity, innovation, creativity, and hard work of the American people that we have the greatest economy in the world. But that economy, as I said, is very much in jeopardy if Washington does not get its spending habits under control. Because we continue to crowd out private investment, we continue to make it harder for entrepreneurs to create jobs.

As we talk about the whole issue of spending and debt, one final point I would like to make—because there is this discussion right now about whether there ought to be tax increases. Everybody says: Well, revenues are down relative to historical averages. That is true. But one of the reasons I believe revenues are down is because there are literally trillions of dollars sitting on the sidelines in this country that are not invested because of the economic uncertainty based upon policies coming out of Washington—uncertainty about tax policy, uncertainty about regulations.

We have this tax and regulatory environment that is paralyzing the American economy. So businesses out there that have funds they could deploy, capital they could put to work in this country, are not doing it because they are worried about what Washington might do next.

We have tax policy that is going to expire at the end of 2012. It is very hard to make decisions when tax policies are temporary. It is very hard to make decisions when you do not know what that regulatory agency is going to do to you next. They have consistently—these regulatory agencies—come up with more and more ideas about how to make it more costly, more expensive, more difficult to do business in this country.

I have alluded to a couple. The EPA is a good case in point. It is one that comes into play a lot in my State of South Dakota because we are primarily an ag economy and small businesses. Many of those policies are directed at production agriculture and energy development and all those sorts of things

that allow our economy in my State to grow and to prosper.

So I think one of the reasons tax revenues are down, people are not investing. When they are not investing, they are not turning those resources over. They are not taking realizations, and they are not paying taxes. We need to get investment capital put to work. We need to get people put back to work. The best way to do that is to provide economic certainty: tax policies, regulatory policies that are reasonable and that provide incentives, not disincentives, for investment.

Today, we have tax and regulatory policies that are doing absolutely the opposite. They are discouraging investment, and, as a consequence, I think we have a lower level of revenues. But the real problem, the real problem, is not revenues, it is spending. That is abundantly clear.

If we look at where we have been for the last 40 years in terms of what we spend as a percentage of our overall economy, that average is about 20.6 percent. That is a 40-year average, historical average, we spend on our Federal Government as a percentage of our entire economy. This year we will spend 25.3 percent of our entire economy on just the Federal Government.

That does not include spending on State and local governments. When we add that up, it is over 40 percent of every $1 we spend in this country is spent on government. So what we see is the government is growing relative to our total economy, and the private economy, those folks out there who are creating the jobs in our private economy, is shrinking relative to the size of the government. That is a trend we have to reverse. It starts with getting spending under control. This is not a revenue problem. This is not a tax problem. As much as many of my colleagues would like to make it that, we flatly cannot look the facts in the face and come to any other conclusion but that spending in Washington is out of control, it has to be reined in.

We have to attack the issue, not only of discretionary spending—the part we annually appropriate for—but these entitlement programs which if not addressed are not only going to bankrupt the country but ensure that there is not a Medicare Program and a Social Security Program available to future generations of Americans.

These are very tumultuous times. There is a lot of uncertainty. I think the jobs numbers that came out this morning again point to how fragile this economic recovery is. It is so dependent upon good, sound policies coming out of Washington. For better or worse, small businesses, entrepreneurs now, unfortunately, tend to be partners with Washington, DC, because there is so much policy coming out of here, whether it is tax policy, regulatory policy, that impacts their bottom lines every single day.

We need to get out of the way to keep those taxes low, to get Federal spending under control, to make sure the regulatory framework in which our businesses operate represents the minimum level and not the maximum level that we can do to make it more difficult for small businesses to grow and to create jobs. If we can do those types of things, address the issue of spending and debt, take it on in a meaningful way, deal with this issue of reforming our Tax Code and making sure our tax rates stay low on businesses in this country and make sure regulations and regulatory policies coming out of Washington, DC, are not the impediment they are today to investment and job creation, I think we can get this country back on track.

But that is where it starts. If we want to create jobs, if we want to grow this economy, if we want to make it more prosperous and stronger for future generations, those are the steps, in my view, we have to take. I hope we get started soon. I do not think we can afford to wait.

A lot of people around here think these are all political exercises that we will go through the hoops and the motions, and we will wait to solve this until after the next election. We cannot afford to wait. The time is now. If we do not do it, we are going to put in great peril future generations and their ability to enjoy the same standard of living, the same quality of life we have enjoyed.

That is not fair to them. That is why I believe the time to start is now and the time to get this budget process—not only the reforms of the process but the spending restraints in place—is today.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I was presiding, before the senior Senator from Missouri took my place, and was listening to two of the last three speakers talk about their budget religion, if you will. I think about this. I think we have to look at a little bit of his history.

I do not think I need a lecture on balancing a budget. I was in the House of Representatives in the 1990s when, without one Republican vote, we passed President Clinton's budget. We had a huge budget deficit in those days. That budget began us on the path to a balanced budget.

I supported a balanced budget amendment in the mid-1990s. By 2000, the year President Clinton left office, we had the biggest budget surplus in American history. Then, in 2001, at the push of President Bush and his Republican colleagues in both Houses, this Congress passed a major tax cut, mostly for the wealthy in 2001; another major tax cut, mostly for the wealthy in 2003, both of which I voted against.

President Bush, with intelligence that was not especially sound—being gentle about it—took us into a war with Iraq, did not pay for it; took us into a war with Afghanistan, did not pay for it. I voted against the war in Iraq.

In 2003 or 2004, he pushed through Congress by one vote—I remember I was in the House of Representatives opposing that bill, when they kept the rollcall open for 2 hours or longer that night. President Bush was on the phone with recalcitrant members of his party in the House of Representatives—pushed through a Medicare bill that was a bailout to the drug and insurance companies in the name of Medicare privatization, without paying for it.

President Bush leaves office then, leaving the largest budget deficit in our history—going from the largest budget surplus, written, by and large, by the Democrats, because Republicans did not play ball with us during most of the 1990s. Then, after President Bush and the Republican leadership in many of those years, House-Senate, President Bush left us with the biggest budget deficit in history.

When I hear this revisionist history on the Senate floor—I was not even going to talk about this today. But I heard two colleagues, for whom I have respect, one from Alabama, one from South Dakota, talk about this budget deficit in a way that simply is historically inaccurate—in the name of this deficit, and we have to deal with this deficit.

I know the Presiding Officer is focused on that. A lot of us are focused on that. We have to deal with this deficit. But you don't do the same thing over again where you give big tax cuts to the wealthiest Americans and then privatize Medicare. That is what they are doing. They are cutting health care, saying it is not sustainable, whatever that means, and giving major tax cuts to the rich, and we are saying that is not sustainable.

HONORING NATIONAL TEACHER APPRECIATION WEEK

Mr. BROWN of Ohio. I wish to talk about teachers. In my State, the legislature just passed something called SB 5, and the Governor in Ohio signed it. It was a direct assault in many ways on the teaching profession.

The discussions I hear from conservative politicians and their allies in the media—and they have many on editorial boards, especially in central Ohio—and the lack of respect they show for people who choose to teach as a profession is mind-boggling. We trust our children to teachers, yet we attack them—or too many politicians attack them.

I am going to make it personal. I am going to start with my mom. My mom was a high school English teacher born in Mansfield, GA, in 1920. She taught in the era of segregation in Florida and Georgia. Raising my two older brothers and me in Mansfield, OH—she met my dad coming back from World War II, ending up in another Mansfield at the end of the war—she taught in an era of a growing American middle class. Like

teachers throughout our history, she taught her students and her sons that education is a gateway to opportunity, that it can integrate a segregated nation and create a prosperous nation.

At a time when our Nation needs our teachers the most, when our economy needs our students to succeed, it is appropriate to remind ourselves—in spite of this background noise I hear from so many conservative politicians about teachers' unions and about teachers who don't care, about teachers taking off in the summer and being done at 3 o'clock and all the kinds of attacks they like to make on teachers, I think it is important to remind ourselves of the importance of our teachers.

This week, our country recognizes National Teacher Appreciation Week to give thanks and gratitude to teachers across our country to whom we entrust our children and who have made a difference in our lives.

Let me share a few stories about great teachers in Ohio.

Linda Michael of Pomeroy, OH, in Meigs County, down on the Ohio River, works with homeless students from K–12 to make sure they have equal access to the same education as other students, from Head Start to preschool to doctor referrals. She locates students in shelters, motels, and homes of relatives to make sure they have what they need: housing assistance, clothing, food, utilities, and mental health. Is this a teacher who quits at 3 o'clock and doesn't work during the summer? This is above and beyond the call of duty that most of us do in our society. Imagine growing up homeless, going to school, not having your own room, not having a room to share with your sibling, not having a place to go at night. We need teachers to take care of them. We need to do better as a society, but teachers are really a safety net for these children.

Michelle Rzucidio-Rupright is an elementary school teacher in Cleveland. For her, teaching is not a 9-to-5 job. It means going to homeless shelters after school where her students live. It means buying supplies out of her pocket for her students in the classroom. She is a role model in the community.

I know Senator MCCASKILL talks to teachers a lot and hears these things. How many teachers tell us they reach into their pockets? These are not Wall Street bankers. They are making sometimes as little as $35, $40, $45, $50,000 a year. Do we Senators reach into our pockets and buy folders for our office or buy pens? Do Senators do that? Do most businesspeople reach into their pockets to take care of these children? So many teachers do, to buy construction paper—the ones who teach grade school—to buy pens, to give kids money for lunch sometimes. Clearly, teachers play a role most people in this country don't play.

David Fawcett is a Columbus drama teacher. He has helped generations of new immigrants and low-income students see something greater in themselves—more than just a poor immigrant child trying to make it. He encourages students to learn language and speech and culture through lines of a play or a musical, through elocution lessons under his guiding presence. He is another teacher who focuses on the individual unique needs of a child who may have been born in another country and may have parents who don't speak English. That child has different challenges from what I had with educated, English-speaking parents in Mansfield, OH, with lots of ideas and privileges. I was taught by my parents to read before I started kindergarten because I was smarter than other kids because I had parents who knew that mattered for me to get ahead and for the advantages I had. Mr. Fawcett clearly focuses on each child's individual, unique personality needs, situation, all that.

John Keller is a government teacher in Orange, a suburb 15 miles east of Cleveland. Mr. Keller addresses the complexity of a subject with the simplest of tools: a sense of humor. He engages students as soon as they walk in the classroom, ensuring a passionate debate and empowering students to always stand up and speak out about the world around them. He makes them laugh. What better way to teach than engaging the students, having a big personality and making people laugh, and sometimes the teacher himself, I am sure, being the butt of the jokes, the humor about himself.

Deb Lammers and Paul Lenz, teachers in Miller City in Putnam County, OH—one of Ohio's smallest counties, southwest of Toledo—are the kinds of math teachers every student deserves. They are patient and kind. They adapt teaching skills to student needs, arriving early and staying late. Again, all this stuff: Oh, teachers quit at 3'oclock; teachers don't work in the summer. All of this kind of thing from conservatives. Why they don't like teachers is beyond me, but why so many conservative politicians attack teachers for all kinds of things, I don't even pretend to understand. But Ms. Lammers and Mr. Lenz, teaching in Putnam County OH, arrive early and stay late, being accessible to students whenever they need help.

Delette Walker is a retired grade school teacher in Shaker Heights. For decades, she helped children overcome the insecurity of shyness, instilling in them the confidence to read out loud, to sing in a musical to confront their fears. We know how young children—I have four, my wife and I do. And when they were young—they are not so shy now, but when they were young, they were fairly shy, and they had teachers who helped bring them out of their shell sometimes. As parents, we try to do that, with some success, but I have watched teachers with my own children. I have watched them help them believe in themselves, particularly young girls. I wanted to teach my daughters that they could accomplish anything—anything—and the fact of their gender, especially in that generation a few years ago, especially when I was a kid—girls were treated differently, and girls were not expected to achieve the way boys did or in too many cases the way boys were expected to. I saw teachers, with my own daughters, help them believe in themselves and in a big, important way. That is what Ms. Walker did, now retired, but with grade school children she taught in Shaker Heights.

Diane Skelley, Vicky Hilliard, and Pat Carson are high school teachers in West Carrollton, OH, outside of Dayton. Through the written word, chemistry equations, or musicals, they are teachers who encourage students to try harder and reach higher, never to doubt one's talents. I know a young woman in my office was taught by these three teachers, and I know she believes she can—I know her parents too—take on the world and grow and learn something that women maybe a generation or two ago might not have been so successful at, and Diane Skelley, Vicky Hilliard, and Pat Carson—all three of them at West Carrollton helped her achieve that and helped countless others in Montgomery County in southwest Ohio to move forward, whether it was in English, music, or chemistry.

Vicki Speakman was a Grandview high school teacher. Grandview is outside of Columbus. She was a Spanish teacher, a dedicated mother, a bedrock of the community. She was diagnosed with cancer. Ms. Speakman remained a constant presence at games and concerts, never missing a chance to share a smile, tell a joke, reach out to a lonely student. Ten years ago next month, she lost her fight with cancer, but, like all great teachers, her memory lives in the countless students whose lives are better because of her—not just her memory but the impact she had on these students. Whether they think of Ms. Speakman every day or every week, they live a life differently because of Ms. Speakman. That is true with so many of these teachers.

When I think of this teacher—and I did not know Ms. Speakman, but when I think of her presence at ball games and school plays and I think of so many teachers I had at Mansfield Senior High School—my junior high was one that will probably make the pages here today laugh. The name of my junior high school was Johnny Appleseed Junior High School in north central Ohio, where Johnny Appleseed, 200 years ago or so, used to go around—it was a peculiar life he lived. He went around a country that was totally forested planting apple trees. But to each his own. He became a legend as a result. But I remember, in grade school and junior high and high school, so many teachers who would come to our plays. I played basketball in eighth grade and played baseball and basketball in high school. I would see teachers—not just the coaches but teachers—come to the games, the Friday

night basketball games or the Tuesday afternoon baseball games or the school plays on Saturday. They were part of the community, cheering on their students, not showing favorites but caring particularly for students who were a little more shy or a little less talented who might need a bump up or encouragement from their teacher.

The same goes for Jackie Geary, who taught reading for nearly 45 years in Dayton. She was the matriarch of a family of educators. Her husband Mike is a professor at the University of Dayton, one of our great universities in Ohio. Her daughter Beth is a special needs teacher for families of U.S. military personnel in the country of Japan. Aside from her constant smile and laughter, she reminded all who knew her that one of her great responsibilities was to read to a child each and every night. Jackie passed away last month after a long battle with cancer. Up until her very last days, she insisted on teaching the most valuable lesson of all: compassion and love and commitment.

Again, these are teachers who go above and beyond the call of duty not just to collect a paycheck, not to go home at 3 o'clock, not to be off in the summer and not be a part of the community. Ms. Geary and Ms. Speakman gave so much of their lives to their students. Both passed away, Ms. Speakman some time ago, Ms. Geary more recently. Both will be remembered, and their impact will be seen throughout.

Sandy Ryan is a special-ed preschool teacher in Cleveland. She first taught special needs adults. She then went to college later in life to earn a master's degree to teach special needs children. She buys her students coats in the winter, supplies, including book bags, and coats for children who can't afford them. Again, we don't pay teachers a lot. They are barely in the middle class in terms of their income if they are a single parent and on a teacher's salary. Yet they reach into their pockets. This isn't just buying pencils and pens and occasional lunch money; this is a teacher who buys coats in the winter sometimes for her students because she teaches in a low-income area.

Ms. Donna Marie Shurr is a high school teacher in Oberlin. She partners with local and international projects—water projects in the community, to building homes in Jamaica, to schools in Pakistan and Afghanistan. She inspires students to believe that education is continuous and service is a lifelong pursuit that extends beyond the classroom. She is a teacher who, by showing by example, teaching by example, helps these students navigate the rest of their lives. They have a commitment to service beyond the classroom, beyond their workday, beyond their family, a commitment to service in the community, and it doesn't stop at our borders. With Ms. Shurr from Oberlin, not far from where I live, it is international also.

Ms. Dean Blase is an English teacher at Clark Montessori School in Cincinnati. I visited Clark last year. It was a finalist for the competition for President Obama to deliver its commencement speech, losing out at the last minute to a school in Michigan. Teachers such as Ms. Blase instill values of curiosity and wonder in their students from diverse backgrounds, encouraging academic achievement and community service.

Teachers are counselors, coaches, mentors. They serve as surrogate parents. They are friends of students at the right time. They are advisers, they are cheerleaders, they are partners, they are—fill in the blank—that any of us can do because we have had good teachers in our lives. They so often go the extra step. They drive talented pupils to competitions and scholarship interviews. They are an essential part of our communities.

Yet, in Ohio, SB 5 is an amazing thing. It basically takes away rights from teachers, collective bargaining rights. I know teachers—when they collectively bargain, they sit down at the school board and, sure they negotiate for decent wages, health care, and a pension, but they also negotiate for class size.

I was talking to a teacher at a roundtable at a church right off Capital Square a couple of months ago, and she teaches in a Columbus suburb. But she talked about in negotiations how they negotiate class size because she knows, no matter what she is paid or no matter what benefits she has, she wants to be a very good teacher. She cannot be as good a teacher if there are too many students in the classroom because she cannot give them the kind of individual attention she would want to give them.

Yet the Governor, the legislature, because of this ideological mission they are on, want to bust teachers unions, they want to, apparently, downgrade the respect teachers have in the community. Maybe they think they should become bankers or doctors or lawyers so they can make more money. I do not know why they think that.

But what that means is—I am tired of hearing parents tell me and young people tell me: My daughter or I or whoever was going to be a teacher, and they were studying at Miami University or Ohio University or Toledo or Hiram College, whatever, and they decided—when they hear all these politicians, conservative, mostly Republican politicians, in Ohio, Columbus, downgrading teachers and criticizing the profession of teacher—they think: Why do I want to do that? I am not going to make a lot of money. If I am not going to have any respect from the people who run my State, why do I want to be a teacher—in spite of the fact they did want to be a teacher.

I am also hearing from young teachers who are now in the classroom waging these fights that it is not easy teaching kids who do not have much advantage, it is not easy teaching kids who have discipline problems, it is not easy teaching kids whose parents are not particularly engaged for reasons of dysfunctional families or income or all the reasons parents are not as involved as we would like them to be. It is hard enough to do that without a bunch of Republican conservative politicians criticizing the profession in saying: They quit at 3 o'clock, they do not work in the summers, they are lazy, whatever they say about them.

So I wished to talk about teachers who have affected my life. Most of these teachers I have mentioned have taught people in my office. We walked around the office and said: Tell me about some teachers. Almost every one of these teachers is somebody who has helped to produce stars, absolute stars, in my office. That is one reason I wanted to share their stories, and I wanted to share their stories because I think most of us who are fairminded—unless we are elected to legislatures and rightwing politicians—most of us care about education, most of us care about teachers, most of us appreciate what teachers gave to us, most of us honor them and respect them.

But you are not honoring and respecting teachers, you are not honoring and respecting perhaps the most important profession in this country, when you take away their rights, when you downgrade them, when you go after their unions in the name of some ideological mission you are on. It is tragic, and I am sorry. I apologize for them and their behavior to the teachers of Ohio and teachers around the country. It is too important a profession to do that.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TRIBUTE TO HAROLD SCHNITZER

Mr. WYDEN. I come to the floor to honor a man who touched every corner of my home State of Oregon. Harold Schnitzer left his mark on our business community, the arts, health care, education, and practically every nook and cranny of my home State.

Harold Schnitzer died last week of complications relating to cancer and diabetes. He learned of his impending death earlier this year and faced it with extraordinary style, grace, and the wit that marked his 87 years of life.

Those who knew Harold Schnitzer describe him in one of two ways. Many knew him as a powerful and philanthropic force in our State. Others knew him as approachable, easygoing, and especially as a person who never took himself all that seriously. I knew him

in both ways, and I knew him as a friend.

Like many in Oregon, I am saddened by Harold's passing. Harold was a successful real estate developer. He and his wife of 62 years, Arlene, gave generously to my alma mater, the University of Oregon, and to Portland State University. They established the Harold Schnitzer Diabetes Health Center at the Oregon Health Sciences University. Their gifts of art and financial support helped transform our Portland Art Museum into a center for regional art works.

The generosity of Harold and Arlene can be found throughout Oregon in places such as the Oregon Zoo, a special favorite of my children, Lewis and Clark College, the Mittleman Jewish Community Center, the Oregon Symphony, the Oregon Ballet, and the Portland Opera. A centerpiece of Oregon's art community is the beautiful Arlene Schnitzer Concert Hall in our downtown Portland community. It is affectionately known as ''the Schnitz.''

Harold Schnitzer was a humble man, and he came from humble roots. As a boy, he earned 25 cents a week polishing metal in his father's Portland scrap yard. From there it was on to the Massachusetts Institute of Technology for a degree in metallurgy, and then he went on to a career in real estate.

Certainly, our colleagues from the bay area of California know who Harold Schnitzer was because with great pride he restored the historic Claremont Hotel Club and Spa in Berkeley to its former glory. In true Harold Schnitzer fashion, when he sold the hotel in 1998 the proceeds provided the funding for two family charitable foundations.

We have lost a man, but, fortunately, we have not lost his vision and his generosity. His wife Arlene will continue to stand for those kinds of good works in our home State, and their son Jordan, a successful businessman in his own right who shares his parents' passion for philanthropy, continues every single day to look for opportunities to serve our home State. You can look no further than the Jordan Schnitzer Museum of Art in Eugene and downtown Portland's Simon and Helen Director Park, named for his maternal grandparents.

What I liked most about Harold Schnitzer was his very wry sense of humor and particular knack for summarizing the events of our time. I remember often when I would see him after a particularly spirited discussion in the Senate. Harold had a great interest in politics and was a devout consumer of all the Sunday morning talk shows. After a particularly volcanic debate in Washington, DC, about some issue where it seemed nothing could get resolved, I would go home and be out and about, perhaps at the grocery store in Portland, and I would see Harold. He would tug on my elbow and say: I have been watching what is going on in Washington, DC, RON. Got things pretty much worked out back there, do you?

He would kind of chuckle and sort of express perfectly his sense of the irony of the challenges we have in Washington, DC. He knew somehow we would always get through them. Whenever I was around Harold, I got a sense that he really captured some of the irony of what goes on in Washington, DC, very well. He brought that same kind of approach and that light touch and combination of humor and irony to so much of what he did.

In my view, Harold Schnitzer represented what was good in humanity. His legacy of good works is going to go forward. But for all those who didn't know him personally, didn't know him like I had the chance to, I wanted to take just a few minutes to tell the Senate and our country that Harold Schnitzer was a very special man. In my view, he was what I call a vintage Oregonian—somebody who got up every day and tried to make our State and country a better place. He will be greatly missed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

INTERCHANGE FEES

Mr. DURBIN. Mr. President, there are many issues which come before the Senate, and some are simple and some are complex. The issue I am going to speak to today is one which you are personally aware of, Mr. President, as the Senator from West Virginia, and one that more and more Members are becoming aware of. It is the question of interchange fees or swipe fees.

For those who do not follow this closely, every time we use a credit card or a debit card in the United States of America, the retailer or merchant we do business with pays a fee to the bank that issues the card. The fee is established by the major credit card networks, Visa and MasterCard. They tell the banks how much they will receive each time a customer uses these cards.

What it comes down to is the fee that is being charged, the debit card fee, has become a subject of controversy. Let's go back in history a little bit. I can still remember when people used checks, and some still do but not as frequently. Now we use the plastic form of a checking account. Instead of writing out a check and pushing it through the banking system, and for a few cents watching it be processed, we use a debit card. A debit card draws money directly out of our checking accounts to the merchant we are doing business with.

So the debit card has, in fact, by a large measure, replaced checks—and in many instances replaced cash—as more and more people are using plastic for transactions. So I started hearing from merchants and retailers all around the United States about the fee that was being charged for debit card transactions.

Now, debit card transactions are different from credit card transactions in this respect. When I use my credit card, I am going to be billed each month for what I put on my credit card. There is a collection issue: Will Durbin actually make his monthly payment? Will he make it on time? Is he able to make the payment? And there is a question about whether this is going to be processed.

So there is, I guess, an uncertainty involved in credit card transactions and much less so when it comes to debit card transactions because that money is coming directly out of our checking accounts to the merchant. So in terms of risk, there is greater risk with a credit card than for a debit card. Nevertheless, over the years what we have seen is the swipe fee, or fee charged to a merchant for the use of a debit card, keeps going up, up, and up.

People would say: Well, why don't the merchants and retailers bargain with Visa, MasterCard, and the banks to make sure they do not have to pay an increasingly large fee every time a person uses a debit card?

The answer is they have no power to bargain at all. Not at all. So the retailer, the merchant, ends up accepting the debit card, swiping the debit card, paying for the transaction, and then paying a fee, to the point where one would ask: Well, how much of a fee is it?

The average debit card fee, found by the recent study of the Federal Reserve, is about 40 cents a transaction. Now, 40 cents may not sound like much if someone is buying a television—of course, though, it is going to be a percentage fee—but think about 40 cents if a person standing in front of you in line at the airport is buying a package of bubble gum. That 40 cents is all the profit that retailer could ever expect, and it is going right out the window. In fact, they are losing money on the transaction because of the debit card.

So for years retailers and merchants, restaurants, convenience stores, hotels, charities, universities, went to Visa and MasterCard and said: You cannot keep just raising this fee. It is not fair to us. You are not justifying it in terms of the costs of doing business, and we are paying more and more out of each transaction, even though the cost has not gone up.

Basically, Visa and MasterCard told them: Go take a hike. We are going to charge what we want to charge. Take

it or leave it, buddy. If you do not want to take plastic, that is your business. Try to do business without it. You cannot.

So retailers and merchants were on the losing end of this conversation. So they came to me and said: Is there a way to do a study on this issue and determine what is fair? So a few years ago I joined with Senator Bond of Missouri, and the two of us, on the credit card reform bill, asked for a public Fed study on fee and cost information. Well, it turned out the banking industry did not want any study at all. They killed our amendment for a Fed study and told people—all the people in the Senate, Democrats and Republicans—vote against even a study of the swipe fee, the debit card interchange fee.

So we ended up empty handed. The day came last year when we revisited the issue. This time I came to the floor with an amendment and said: Here is what I would like to do. I would like to give to the Federal Reserve the power to promulgate a rule which says the fee charged for the use of a debit card is going to be reasonable and proportional to the costs incurred by the bank in processing this transaction. We are going to put in a factor for fraud. If there is something they need to add to take care of fraud, add it in. We went a step further. We said this is not going to apply to every bank and credit union that issues a debit card. We are going to exempt the overwhelming majority of community banks and credit unions across America.

There are about 15,000 community banks and credit unions across the United States—-15,000. So we said: If your bank or credit union has a valuation of less than $10 billion, you are not covered by this reasonable and proportional law. You are exempt. At the end of the day, it meant that about 100 banks across America were subject to this new law and three credit unions. All the rest are exempt.

So you say: Well, Durbin, if you exempted all of these banks and credit unions, almost 15,000 of them, and you only affected about 100 of them, how can this have any impact? Well, it turns out, of the largest banks in America, three of the big ones—that would be Chase, Wells Fargo, and Bank of America—really comprise nearly half of all the debit card transactions in the country. Some say even more, 60 percent or even more. So by just making this a law that applies to the largest banks, we are affecting the majority of debit card transactions, and we are establishing a reasonable and proportional fee for what the transaction is.

So the retailer and merchant, the person running the mom-and-pop store or the person running a big box store is going to get fair treatment in terms of how much is charged.

So you say to yourself: Well, how much are they charging now? The Federal Reserve estimates they are charging about 40 cents a transaction, and the actual cost to the bank and the credit card company is about 10 cents. They are charging four times as much as they should on each transaction.

How much money is it worth to the banks? The estimates range from $1.3 to $1.7 billion a month—a month. Now, these banks, the big banks that I am addressing with this law, they are not having little collections outside the bank to keep themselves in business. They are bringing in quite a bit of money. They are very profitable, and to say that they should have a reasonable charge for retailers and merchants across America, small businesses and large businesses alike, I do not think is unreasonable. Remember, we exempted the community banks. We exempted the credit unions. It is only the big ones that are going to be affected by this.

Well, one would think I had done the worst thing in the world to these banks and credit card companies. They have unleashed, with the greatest fury they can possibly put together on Wall Street, this attack against the Durbin amendment. They are sending out letters—Chase is—to all of the people who have debit card accounts and credit card accounts saying if this Durbin amendment goes through, we are going to charge extra fees here and extra fees there.

Well, at the end of the day, that is the threat that we always hear from them. The fact is, since they are virtual monopolies in their business, they are increasing their fee charges regularly. People across America know it. Every time we put in a reform, they race to raise their interest rates and race to raise their penalties. They give these ''free'' checking accounts loaded with penalties if you stumble and do not pay on the exact day or whatever it happens to be.

So it has become quite a battle. It is a battle between Visa, MasterCard, and the biggest banks in America versus the retailers and merchants of America. They are both engaged. Now, the retailers and merchants cannot hold a candle to the big banks and credit card companies when it comes to their investment in this fight. But they are trying valiantly, and we are organizing small businesses across the United States—in Illinois, West Virginia, all over the place—to step up and say: Come on. This is an important part of business.

Now, I ran into one of my colleagues on the Senate floor, and she said: What I am worried about is even if you reduce the fee charged to the retailer for using the debit card, how is that going to help the customer? How is that going to translate into anything more than profits for the business?

Well, Mr. President, in your family background, you have been involved in business. If you have a competitor across the street, whether it is a gas station, a drug store, a grocery store, a restaurant, you know your price competition is an important part of whether a person chooses your store over the other store. So when you give the owner of the store a break on the fee that is being charged by the credit card companies and banks, then you give them an opportunity to engage in more price competition.

But what about Walmart? This is the monster of retailers in terms of size, about 10 percent of all of the sales in America. I can tell you, even with Walmart, Target is looking over its shoulder. It is watching the prices of goods and deciding whether it can be competitive. So there is competition at this level.

If we give retailers a break when it comes to the amount they have to pay to the banks and credit card companies, I think it is going to end up in consumer benefits. The consumer organizations, the major ones in this town, support what I have done. They aren't supporting the position of the big banks and credit card companies.

One of the arguments that comes down is interesting. The lion's share of the argument against my amendment is not coming from the people directly affected by it. We are not hearing as much in Washington from those big banks on Wall Street or the credit card companies, and they are the ones most affected by it. Why? They don't have much credibility around here. These are the folks who came filing in for a bailout when they made some pretty bad decisions and got billions of dollars from the Federal Government to bail them out, and then, of course, they turned around and gave bonuses and all sorts of high-level compensation to their officers. So they are not the most popular crowd on Capitol Hill. So they have brought in surrogates to argue their position, and the surrogates, as my colleagues know, are the small banks and small credit unions saying the Durbin amendment is terrible.

The first thing we have to say to them is: You are exempt. You are not covered by the Durbin amendment. If you have $10 billion in assets or less, you are not covered. Still, they argue, at the end of the day, we think this might hurt us.

I have taken an extra step, beyond the law, to try to deal with some of their concerns because I value these community banks and credit unions. I worry they have now become part of the banking industry—in capital letters—instead of what they were traditionally: our neighborhood banks, our small town banks, our local credit unions. They have now become part of this big banking industry thing. I don't think it is healthy for them, and I don't think it is healthy for the economy or for consumers. So what I did was go to the merchants coalition on my side of this issue, the retailers, and ask them to put out a statement of policy when it comes to whether they are going to discriminate on the card that is presented.

Let me be more specific. If you are running a restaurant in Wheeling, WV,

and somebody walks through the door and puts a debit card—these are all debit cards—puts a debit card down to pay for the meal, will your restaurant take a close look and say: Oh, that is a community bank with a higher interchange fee than it might be with a card from Chase Bank, for example? That is one of the concerns expressed by the community banks and credit unions. Even though you exempted us, all these retailers could discriminate against us because our swipe fee is higher than it might be coming out of Chase.

We ended up with a letter—an important letter—which I have shared with every one of my colleagues, and it is a letter from the Merchants Payment Coalition, which I ask unanimous consent to have printed in the RECORD.

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

MERCHANTS PAYMENTS COALITION,
Washington, DC, May 2, 2011.

Hon. DICK DURBIN,
Majority Whip, U.S. Senate,
Washington, DC.

DEAR SENATOR DURBIN: We understand that some in the financial services industry are claiming that the Durbin Amendment exemption from interchange ''swipe fee'' regulation for financial institutions with assets under $10 billion will not be effective in practice because merchants will discriminate against debit cards with higher swipe fees. On behalf of the undersigned trade associations, and the tens of thousands of merchants and retail locations we represent, we are writing to make clear that we have no contractual or practical ability to treat debit cards issued by small financial institutions or credit unions differently than those issued by large institutions. Furthermore, our member companies are committed to customer service and it is not in their interest to discriminate against debit cards that so many customers carry.

Currently, merchants are subject to Visa and MasterCard network rules that require us to accept all Visa and/or MasterCard debit, regardless of which bank or credit union issues the card. This is called the Honor All Cards rule and we risk the threat of $5,000 per day fines—or higher—if we break this rule, so we assure you that merchants have no intention of violating this term of brand acceptance. These rules also prevent merchants from pricing goods differently based upon the financial institution that issued the card.

Additionally, even if these rules were not in place, merchants have no practical ability at the point-of-sale to distinguish between big bank and small bank cards, nor the swipe fee rates associated with those cards. Indeed, in many if not most retail environments, employees never see the face of the card the customer is using: the customers swipe their cards themselves.

Lastly, even if merchants could differentiate between card issuers, there are no market or economic incentives to discriminate against mid-sized and smaller financial institutions' cards. If a customer wants to pay with a card, merchants will let them use that card because the retail industry is fundamentally all about competing to deliver value and customer service. If merchants didn't accept the card, they would risk losing the sale and losing the customer; a risk very few in the competitive retail industry are willing to take. Additionally, most consumers only have one debit card in their wallet. We would absolutely prefer they pay with that debit card, rather than with a credit card, because while debit card per transaction rates have grown exponentially over the past several years, credit card swipe fees are far higher and continue to be a significantly more costly burden on businesses of all sizes.

We appreciate the opportunity to set the record straight regarding the many misrepresentations being made about the Durbin Amendment, and you have our commitment that the retail community across the nation will do its part to help ensure that the exemption of financial institutions with less than $10 billion in assets from the swipe fee reforms on debit cards will work in the marketplace.

Sincerely,

American Beverage Licensees; Coalition of Franchisee Associations; Food Marketing Institute; Interactive Travel Services Association; International Franchise Association; National Association of College Stores; National Association of Community Pharmacists; National Association of Convenience Stores; National Association of Shell Marketers; National Association of Theatre Owners; National Association of Truck Stop Operators; National Council of Chain Restaurants; National Franchisee Association; National Grocers Association; National Restaurant Association; National Retail Federation; National Small Business Association; Petroleum Marketers Association of America; Retail Industry Leaders Association; Society of Independent Gasoline Marketers of America.

Mr. DURBIN. Thank you, Mr. President. Let me quote a few words from it. This is a letter to me, dated May 2:

Dear Senator DURBIN:

We understand that some in the financial services industry are claiming that the Durbin Amendment exemption from interchange ''swipe fee'' regulation for financial institutions with assets under $10 billion will not be effective in practice because merchants will discriminate against debit cards with higher swipe fees. On behalf of the undersigned trade associations, and the tens of thousands of merchants and retail locations we represent, we are writing to make clear that we have no contractual or practical ability to treat debit cards issued by small financial institutions or credit unions differently than those issued by large institutions. Furthermore, our member companies are committed to customer service and it is not in their interest to discriminate against debit cards that so many customers carry.

Currently, merchants are subject to Visa and MasterCard network rules that require us to accept all Visa and/or MasterCard debit, regardless of which bank or credit union issues the card. This is called the Honor All Cards rule and we risk the threat of $5,000 per day fines—or higher—if we break this rule, so we assure you that merchants have no intention of violating this term of brand acceptance. These rules also prevent merchants from pricing goods differently based on the financial institution that issued the card.

The No. 1 complaint of community banks and credit unions about discrimination against their cards is addressed directly by this letter. I have made this a part of the RECORD. It is being sent to every Member of the Senate.

There is a second part of this argument. The question is whether Visa and MasterCard, the networks, will continue to allow the community banks and credit unions to charge a higher interchange fee than the big banks. Under our law, there is no reason to change it. So I am challenging Visa and MasterCard and these card networks to state clearly and unequivocally, as this letter has stated, that they will not discriminate against these smaller banks, community banks, and credit unions. The merchants have come forward as a matter of record, and it has been put in the CONGRESSIONAL RECORD this day, to say there will be no discrimination. At the end of the day, if Visa and MasterCard will make the same promise of no discrimination, then ultimately there is no disadvantage to the community banks and credit unions. None. Now the burden is on the big credit card networks to step up to the plate.

I am sending a letter today to the president and CEO of the Illinois Bankers Association, the Illinois Credit Union League and the Community Bankers Association of Illinois and we are going to send it to their national affiliates as well, sending them a copy of this merchants letter so they can no longer make the claim that they are going to be victims of discrimination by merchants and retailers and asking them to now step up and join us in challenging Visa and MasterCard and the major card networks. That, to me, resolves the most fundamental issue that has been brought to the Members of the Senate. They can no longer claim that these retailers are going to discriminate against them. As a matter of record, they will not.

I think it is important for us to change this system, and I think it is important for these virtual monopolies of Visa and MasterCard to be held accountable. I think what we have done in passing this law and giving the Federal Reserve the authority to establish this rule is the right thing to do.

Now there is a big effort afoot to stop us. The Presiding Officer knows that. They are lobbying such as I have never seen before on Capitol Hill. You would think there was $1 billion a month at stake, and there is. They are determined to stop the Federal Reserve from issuing a rule which says that retailers and merchants across America will be treated fairly. They are going to stop them, if they can, and I am going to fight them all the way. I am hoping my colleagues who joined me in this vote and those who share my feelings about small business across America will stand with me.

I know the alternative. The largest banks in America and the credit card companies have a lot of friends, and they are very powerful, but I think we ought to give the Federal Reserve the chance to issue reasonable final rules.

In fact, talk to any bank across the country, and they are going to tell you that the current system is working just fine. They don't want reform. They don't want any change. They

want to keep it as is. It is worth billions of dollars to the major banks to keep this charge as is, at the expense of businesses across America.

I favor transparency and I favor competition and I wish we didn't have to bring the Federal Reserve into this conversation. But we looked for a neutral regulatory agency that would establish a reasonable and impartial fee, promulgate a rule, issue it after a public comment period and implement it, and that is what we are striving to do.

The CEO of JPMorgan Chase, who is a friend of mine—or at least he used to be—Jamie Dimon, has called interchange reform downright idiotic. He spent a good portion of his recent annual shareholder letter criticizing this reform. Chase has also sent a letter to its customers warning about my amendment, and Chase is constantly threatening to raise fees on its customers unless they stop the Durbin amendment. A few weeks ago, I sent Jamie Dimon a letter and responded to some of his criticisms. I ask unanimous consent that the letter be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, April 12, 2011.

JAMIE DIMON,
Chief Executive Officer and President, JPMorgan Chase & Co., New York, NY.

DEAR MR. DIMON: In your recent annual letter to your company's shareholders, you wrote a lengthy and dismissive critique of the debit interchange fee reform legislation that I drafted and that Congress enacted last year. You have also been quoted describing my amendment as ''counterproductive,'' ''price fixing at its worst,'' and ''downright idiotic.'' I am compelled to respond, and I ask that you share this response with your shareholders as well as your customers.

Clearly, debit interchange reform has displeased many in the financial services industry. Your industry is used to getting its way with many members of Congress and with your regulators, and my amendment and the Federal Reserve's draft regulations were not written the way you wanted. But that does not mean they were written poorly or that the process that created them was flawed. To the contrary, interchange reform will carefully but firmly rein in the fee collusion that your bank and thousands of other banks currently engage in through Visa and MasterCard. The wisdom of this reform is confirmed by the irrationality of the arguments that your industry raises against it—arguments that are based upon misrepresentations and threats rather than evidence or logic.

The American people deserve to know the real story about the interchange fee system and the ways that banks in general—and Chase in particular—have abused that system. I have said and written much on this topic already, but I will respond to five of your specific criticisms below.

1. Your letter claims that my reform amendment ''is an example of a policy that has little basis in fact or analysis.'' In fact, the amendment was drafted based upon years of Congressional hearings, Government Accountability Office reports, academic articles, and published studies by the Federal Reserve's economists and payment system experts. These analyses showed that the debit interchange system is uncompetitive, inefficient, and harmful to consumers. Your industry often acts like these analyses do not exist, so I will explain what they reveal.

The debit interchange system is not a properly functioning market. For years, card-issuing banks like Chase have agreed to let the Visa and MasterCard duopoly fix the interchange fee rates that banks receive from merchants each time a debit card is swiped. The banks get the fees but they do not set the fees. This system of price-fixing by Visa and MasterCard on behalf of thousands of banks has gone entirely unregulated.

There are two core problems with Visa and MasterCard's fixing of interchange rates. First, centralized rate-fixing does not give card-issuing banks incentive to manage their operational and fraud costs efficiently. This is because all banks in the network are guaranteed the same network-fixed interchange rate whether they are efficient or inefficient. Competition is absent and inefficiency is subsidized when fees are set in this manner.

Second, Visa and MasterCard have incentive to constantly increase interchange rates and there is no countervailing market force to temper these fee increases. Visa and MasterCard want as many of their debit cards to be swiped as possible because they are paid a network fee by merchants each time a card is swiped. By raising interchange rates, Visa and MasterCard can entice banks to issue more of their cards. Because Visa and MasterCard have enormous market power and control around 80 percent of the debit cards in consumers' wallets, merchants cannot realistically say no to accepting Visa and MasterCard and have no leverage to negotiate fee rates with them. There is no naturally-occurring market force in today's interchange system that would ever lead rates to go down.

So merchants are stuck with ever-rising debit interchange fees that add up to more than $16 billion each year. These fees not only affect merchants, but also universities, charities, government agencies and all others who accepts debit cards as payment. The fees end up getting passed on to consumers in the form of higher retail prices for groceries and gas. Consumers, and particularly unbanked consumers, ultimately bear the cost of subsidizing the interchange system.

We owe it to our nation's consumers and businesses to ensure that the interchange system is efficient, transparent, and subject to competitive market forces. Studies have shown that Americans pay the highest debit interchange rates in the world, and that these rates have continued to increase in recent years. The Federal Reserve has also found that the high interchange rates charged today far exceed what it actually costs to conduct a debit transaction. Nearly every other industrialized country has established reasonable regulation over their debit systems, and these countries have achieved improved efficiency, lower fraud, and consumer benefits. The time has come for reasonable reform of the dysfunctional U.S. debit interchange system, and my amendment will make that reform a reality.

2. You say that ''it's a terrible mistake and also bad policy for the government to get involved in price fixing.'' Of course, my amendment does not create price fixing—it constrains the price fixing that Visa and MasterCard currently perform on banks' behalf. Visa and MasterCard cannot simply be trusted to fix interchange prices in a way that is fair for all participants in the debit card system. They have not proven worthy of that trust.

Last year Congress decided that there should be reasonable regulatory constraints placed on Visa and MasterCard to ensure that they cannot use their market dominance to funnel excessive interchange fees to the nation's biggest banks. A strong bipartisan majority supported my amendment, which said that if Visa and MasterCard are going to fix fee rates on behalf of banks with over $10 billion in assets, those rates must be reasonable and proportional to the cost of processing the transaction. It is important to make clear that if Chase wants to set and charge its own fees in a competitive market environment, the amendment does not regulate those fees. The only regulated fees are those fees that banks let card networks fix on their behalf.

3. You criticize the law Congress passed because it does not consider ''the cost of fraud.'' Your comment highlights how the current interchange system, which supposedly does consider the cost of fraud, creates exactly the wrong incentives when it comes to fraud prevention. Fraud rates are far lower for PIN debit transactions than for signature debit transactions, but Visa and MasterCard set higher interchange fees for signature debit than for PIN ostensibly to cover the higher cost of fraud. Banks now urge cardholders to pay with signature in order to get the higher fees. For example, on April 21, 2010, the American Banker reported that your own bank sent a mailing to your debit customers that strongly suggested they should ''always select'' signature.

Chase's practice of steering American cardholders toward fraud-prone signature debit stands in stark contrast to Chase's practices in Canada. The Chase Canada website indicates that ''chip and PIN technology will become available for all Chase Canada MasterCard and Visa cards in 2011.'' Your Canadian-based subsidiary Chase Paymentech Solutions says on its website that chip and PIN technology provides ''Enhanced Security and Fraud Reduction—Chip technology is virtually impossible to copy and combining its use with a PIN helps reduce lost, stolen or counterfeit transactions.'' It is frankly inexcusable that your bank would urge your American customers to ''always select'' a fraud-prone technology while you provide your Canadian customers with technology that enhances security and reduces fraud.

In contrast to the current U.S. interchange system which rewards banks for promoting fraud-prone signature debit, my amendment will allow interchange fee increases only to those banks that successfully prevent fraud. The Federal Reserve can implement this in its final rulemaking by setting target fraud prevention metrics and allowing increased interchange for banks that meet those targets.

4. You say that Chase needs debit interchange fees to pay for the ''fixed costs of servicing checking accounts and debit cards'' such as ''printing and mailing of the cards,'' ''operational and call center support to service the cards,'' and ''the costs of ATMs and branches.'' Here you are using the old financial industry trick of first conflating the cost of conducting debit card transactions with the cost of offering other checking account-related services, and then arguing that network-fixed debit interchange rates should be used to cover this whole basket of costs. It is a clever argument that aims to justify Visa's and MasterCard's exorbitant price-fixed rates, but the shortcomings of this argument are evident.

The costs you cite in your letter are costs which banks should be incentivized to manage efficiently, and allowing Visa to fix interchange fee rates across all its member banks to supposedly cover these costs is a recipe for inefficiency and excess. Card network companies like Visa are not positioned to know what the appropriate level of cost is

for operating ''ATMs and branches,'' nor are they equipped to determine how much of a particular bank's ''printing,'' ''mailing,'' ''operational'' and ''call center'' costs are attributable to debit cards instead of ATM cards or credit cards. Further, Visa has no way of knowing if a particular bank is using debit interchange revenue not to cover legitimate costs but instead for rewards, ads, profit, or executive bonuses. Indeed, because Visa itself profits by incentivizing banks to issue more and more of its cards, Visa has every incentive to inflate the interchange fees it fixes to levels that compensate banks far in excess of their costs. In order to correct these incentives for inefficiency and excess, my amendment limits network interchange price-fixing on behalf of the 3 biggest banks to an amount that is reasonable and proportional to the costs that are necessary to authorize, clear and settle a particular debit transaction over the network's wires.

Also, your claim that interchange fees must be high enough to cover all checking account-related costs is undermined by the fact that banks also charge many other high consumer fees under the premise of covering those exact same costs. Banks like Chase charge consumers many fees for maintaining and accessing funds in their checking accounts—monthly fees, overdraft fees, failed payment fees, ATM withdrawal fees, failure to maintain a minimum balance fees, account closing fees, and more. Bank revenues from these consumer fees have not gone down in recent years as interchange fee revenues have gone up; to the contrary, bank revenues from consumer fees have also reached record highs. I would draw your attention to the November 12, 2008, Wall Street Journal article entitled ''Banks Boost Customer Fees to Record Highs'' and the July 1, 2009, New York Times article entitled ''Bank Fees Rise as Lenders Try to Offset Losses,'' both of which discuss your bank and other banks' efforts to raise consumer fees long before my amendment was ever written.

5. You say that the amendment ''potentially will harm consumers'' because ''banks will be forced to lose money on debit interchange transactions and likely will compensate by increasing fees in some way for deposit customers.'' This threat defies both facts and logic.

First, there is no evidence that banks cannot continue to offer debit cards profitably with reduced interchange. As Andrew Martin explained in the excellent January 4, 2010, New York Times article entitled ''How Visa, Using Card Fees, Dominates a Market,'' up through the early 1990s banks used to offer debit cards even though they received no interchange fees. In fact, many banks used to pay merchants for accepting debit cards, because debit cards saved money for banks when compared to the banks' costs of processing paper checks. The current high-fee debit interchange system in this country only developed because Visa entered into and took over the debit market the mid-1990s through an antitrust violation, and Visa then imported credit card-type interchange fees into the debit space. Studies have shown that many other countries enjoy vibrant debit systems with interchange fees strictly regulated or prohibited entirely. In short, past experience in this country and present examples in other countries demonstrate that banks like Chase can easily continue to offer debit card services without the excessive subsidy of high interchange fees.

Second, if Chase follows through on threats to increase consumer fees (beyond those increases you have already made in recent years), market competition would suggest that many of your deposit customers would take their business elsewhere. In fact, many of those customers would likely take their business to the small banks and credit unions who are exempted from my amendment's interchange fee regulation and for whom Visa and other debit networks have already agreed to set a higher tier of interchange rates. And for those who continue to speculate that my amendment will hurt small banks and credit unions, I recommend they read Simon Johnson's excellent analysis in the April 7 New York Times entitled ''Big Banks Have a Powerful New Opponent.''

In conclusion, I recognize that Chase will likely see decreased revenue from interchange reform, but I urge you to keep some perspective. Last year Chase had $17.4 billion in profits—up 48 percent from the previous year—and a 15 percent profit margin. Your own personal compensation ''jumped nearly 1,500 percent to $20.8 million in 2010'' according to Reuters. In contrast, middle-class American families are struggling to get by in a tough economy—an economy that went south because of the banking industry's unregulated excesses.

There is no need for you to threaten your customers with higher fees when you and your bank are already making money hand-over-fist. And there is no need to make such threats in response to reform that simply tries to spare consumers from bearing the cost of interchange fees that are anti-competitive and unreasonably high.

Interchange reform is necessary and it is long overdue. Right now the Fed is working diligently to craft a set of final regulations that will reflect the comprehensive information it has gathered and that will respond to the valuable comments it has received. In the coming weeks I am confident the Fed will produce a reasonable set of reforms that will enhance the efficiency, competitiveness and fairness of the debit system. This will neither be ''counterproductive'' nor ''idiotic.'' It will be good news for all Americans.

Sincerely,

RICHARD J. DURBIN,
United States Senator.

Mr. DURBIN. Thank you, Mr. President. I haven't had a reply yet from Mr. Dimon. He called me. I called him back. That seems to be the end of our exchange. But I would like to hear his response. I encourage him to share my letter with the same shareholders and customers to whom he has written. After all, in his shareholder letter, Mr. Dimon said he wanted ''analysis in the full light of day'' of the Durbin amendment, so I figured he would want his audience to be informed on my position. I don't think Chase has done that yet. I hope they will.

I know the banking industry prefers for the giant Wall Street banks to stay in the background when it comes to this fight because they are not that popular. Estimates indicate that about half of all debit swipe fees go to just 10 big banks and the Big Three, Bank of America, Chase, and Wells Fargo, make the most of all, well over $1 billion a year each. But the banking industry knows the public isn't happy with big banks, so the industry is using small banks and credit unions as their public face in this battle. Industry argues that even though my amendment exempts all but the largest 1 percent of banks from fee regulation, the exemption will not work and small banks are going to get hurt. Well, this letter makes it clear that when it comes to retailers and merchants, there will not be any pain inflicted. They are, in fact, exempt under the law and they will be exempt in practice.

As I said, I received a letter from 20 of the Nation's largest retail associations that reaffirms what I just said. I think the letter is compelling. In this letter, these merchant groups make it clear they don't have the contractual authority, the practical ability or the economic incentive to discriminate against small bank or credit union debit cards. They point out that Visa and MasterCard contracts impose strong penalties on them even if they try. Second, they point out that in many, if not most, retail environments, the merchant doesn't have the practical ability to distinguish between a small bank or a large bank card at the point of sale.

I had Wendy Chronister, whose family owns a chain of gas stations in downstate Illinois, come to my office and talk about this. I have known her mom and dad a long time, and Wendy is running the business and running it well. She said: Senator, for goodness' sake, when they put the plastic on the counter we take it. We need the sales. We are not going to argue with them about who issued the credit card or debit card. That just stands to reason. They are not going to ask them to put their debit cards away when they come to a cash register. They will lose sales and customers if they do it.

Finally, the merchants make the observation that most customers only have one debit card, so if you want to make a sale, they are going to take that debit card.

What I have tried to do with this letter is to show that those on my side of this debate—the small businesses, the retail merchants, convenience stores, hotels, and restaurants across America—are trying to be reasonable. Had the credit card companies and major banks been reasonable on this issue, I never would have introduced this amendment. They refuse—refuse—to bargain with the retailers and merchants. They said it was a ''take it or leave it,'' and they did it in the obscurity of retail contracts and regulations which are almost impossible to work through.

I think those who are asking for a delay and study of this issue should be called out for what they are asking. Every month they delay means customers and consumers across America will pay over $1 billion more in these fees on debit cards—money taken away from retailers, taken away from small business, and taken away from our economy. When these small businesses have the advantage they can get under the Durbin amendment, they are going to be able to be more profitable, expand their businesses, and hire more people. How many times have we heard a speech on the floor that the key to economic recovery in America is small business. If you truly believe, then you cannot vote for this 2½-year delay and study of this issue, if you truly believe

in small business. I think the issue is very clear.

I urge my colleagues not to fall for this game the banks and card companies are playing. Don't let them delay and derail the swipe fee reform consumers need so badly. The Senate has already voted to establish a process for interchange reform. We should let that process continue and we should let the Federal Reserve issue their rules, which they are planning to do in just a matter of weeks, and I think at that time we will see that there is a reasonable way to deal with this that doesn't create a disadvantage for community banks and credit unions.

(Mr. CARDIN assumed the chair.)

GAS PRICES

Mr. DURBIN. Mr. President, according to the U.S. Energy Information Administration, the average price of gasoline is $3.96 a gallon nationwide. I have my own specially appointed monitor of gasoline prices in the State of Illinois: my wife. I called her yesterday morning and she said to me: Senator, it is up to $4.20 a gallon in Springfield. What are you going to do? So she put me on the spot. Since she is my No. 1 constituent, I said: I will at least make a speech, and that is what I am going to do on the floor of the Senate.

In my home State of Illinois, the price is well over $4 a gallon—not just in Springfield but statewide. Every time they go to the pump, families and small businesses feel the pinch. At the same time, the five largest oil companies in the country made $33.9 billion in profit between January and March of this year. ExxonMobil earned almost $11 billion in the first 3 months of this year—69 percent greater profits this year compared to last year. The high oil and gas prices are forcing many American families to make tough choices about what to forgo so they can fill the tank.

It gets worse. While operating at substantial profits, oil companies will get an estimated $4 billion this year in Federal subsidies. Think about that. These companies making $11 billion in the first 3 months of the year are asking for Federal subsidies. We don't have the money to subsidize them. In fact, we have to borrow.

How do you pay for higher gas prices in America? You are going to pay it three ways. First, you pay at the pump, sometimes 80 or 90 bucks to fill your tank, even in Maryland. Secondly, you are going to pay when you pay your taxes because your tax dollars are going back to the oil companies to subsidize their operations.

But you are going to pay a third time. Do you know why? Because we have to borrow 40 cents for every $1 we spend in America and we borrow it primarily from China and we have to pay China back with interest. So your children and your grandchildren are going to pay interest on the money we borrowed to provide a subsidy—an annual subsidy—of $4 billion to oil companies that are making recordbreaking profits.

What is wrong with this picture? Is there anybody left in this town who is willing to fight for families and small businesses that are getting nailed with these high gasoline prices?

The interesting thing—and I know the Presiding Officer, who was a former Congressman from Maryland, knows what I am saying is accurate—there are rights of spring in America: the opening of the baseball season, the Easter egg hunts, seder dinners for our Jewish friends, and skyrocketing gasoline prices. Every single year, right before the summer vacation season, the oil companies raise gasoline prices at the pump, and politicians line up at microphones, such as this one, and beat the heck out of oil companies and talk about how fundamentally unfair it is and then we replay this movie next year—every year, year after year.

For the oil companies, why do the prices go up? Any excuse will do. This year, it was Libya. Qadhafi is in trouble. We are going to raise prices at the pump by 40 cents, 50 cents or $1. It turns out Libya is responsible for about 3 percent of the world's oil supply, and even if there is an interruption of the supply from that place, most of their oil goes to Europe. But, as I said, any excuse will do when it comes to raising gasoline prices.

Next week, we are going to take up a bill I support that would end these tax subsidies to big oil companies. Have you seen their advertising? These oil companies, such as ExxonMobil, that made $11 billion in the first 3 months of the year, say, if we cut their subsidies, they are going to raise gasoline prices even higher. Talk about being at the end of a gun here: Your money or your life.

The Close Big Oil Tax Loopholes Act would end the special treatment given to several companies with leases in the Gulf of Mexico. These companies have been allowed to drill and pump oil without paying the Federal Government for the oil they extracted. Ending the special treatment and tax breaks we give to oil companies will generate billions of dollars. We suggest—I suggest—let's take the money that is going to these highly profitable—recordbreaking profitable—oil companies and put it in to reduce the deficit. How about that for a start? Reduce the amount of money we are borrowing from China so we do not have to pay interest on it.

This bill is not intended to punish the oil companies for turning a profit. But it certainly is not going to reward them with more taxpayers' dollars. It simply asks large wealthy international companies—in an industry that has existed for over 100 years—to pay their fair share and no longer depend on the government for a handout.

Some of these tax breaks started almost 100 years ago. They were created to encourage companies to explore for oil. However, at $113 a barrel, how much more encouragement do these oil companies need?

Domestic oil production, incidentally—I hear about this all the time from some of the critics—domestic oil production in this country has been increasing consistently since the year 2008. Domestic production was 1.8 billion barrels in 2008. It was 2 billion barrels in 2010.

In 2004, about 60 percent of oil consumption in America was from imports, and imported oil as a percentage of consumption has dropped a little more each year. Last year, it dipped to 50 percent—still too much, but the amount of imported oil has come down as domestic production has gone up.

The United States is currently the third largest oil producer in the world behind Saudi Arabia and Russia. This is despite the fact that we have less than 2 percent of the world's total proved oil reserves.

Oil production, incidentally, has also been increasing on Federal lands and waters since 2008.

Some of the critics are saying: You know why gas prices are up? They will not let the oil companies go out and drill in the Gulf of Mexico and other places. Shouldn't we be careful about drilling in the Gulf of Mexico? I think so. BP taught us that lesson last year. But having said that, oil production has increased on Federal lands and waters since 2008.

In the last 2 years, oil production from the Federal Outer Continental Shelf has increased by more than one-third—446 million barrels in 2008 to over 500 million barrels in 2009 and more than 600 million barrels in 2010.

Oil production on Federal lands increased 5 percent in 2010 over 2009. But greater domestic production of oil has not led to lower gasoline prices. We have higher gasoline prices. Drill baby drill is not the solution to rising gas prices in the short or long term.

The United States consumes each year 25 percent of the oil that is produced in the world. We have the capacity to produce 2 to 3 percent. We cannot drill our way out of this challenge.

Crude oil prices went up in February with the spread of political unrest in the Middle East and North Africa, even though domestic production in the United States was going up too.

The oil industry has access to millions of acres of Federal land and water—land they have bought leases on and land they will not drill on. For them to argue the government is stopping them from drilling, the obvious question is, So what about the land you currently have to drill on? Why aren't you taking that lease land and putting it into production?

Out of the 41 million acres under lease across the United States, the oil industry is only using 12 million acres for production. That leaves 29 million acres under lease to oil companies that are not being used today.

Thirty-eight million offshore acres are currently under lease, but only 6.5

million acres of them are in active production. The Bureau of Land Management issued over 4,000 drilling permits last year—4,000 of them—but approximately 2,500 of them still remained unused at the end of the year.

So this argument that the requests for permits to drill are stacking up in some bureaucratic office in Washington and if they would just approve them, these oil companies would start drilling more oil and gas prices would come down, is not the truth. The Bureau of Land Management issued 4,000 drilling permits last year; 2,500 of them went unused.

I support measures proposed by my colleagues to force the oil companies to use their leases or lose them. The bill would require nonproducing leases to pay an annual fee of $4 an acre. These leases of public lands should be actively used for domestic energy production, not kept idle as we face higher oil prices.

Let me close by saying I recently returned from a trip to China—10 days in China. China is an enigma. On the one hand, they are the most significant economic partner of the United States. They are our largest creditor. They loan us more money than any other country. On the other hand, they are our most significant economic competitor. Partner and competitor, that is the relationship.

When you go to China, you are struck by the fact that their air pollution is horrible. In every city we visited, I cannot imagine how people live there full time and do not develop serious health problems because of the terrible pollution they have in their country. But despite the pollution, they are creating an expanding economy. They are building right and left. What are they focusing on as the No. 1 area where China wants to dominate the world? Clean energy. In every direction: solar panels and wind turbines and new research on clean energy.

I wish I could say the same for the United States. But I am afraid I cannot. We do not have an energy policy. We are still dependent on traditional fuels. We still have to recognize those fuels create environmental issues we have to face, and, unfortunately, we are not. We are not acknowledging the fact that if we are not careful, China is going to dominate in the world when it comes to clean energy throughout the course of this century.

We need an energy policy in this country, not just to deal with the terrible gas prices we are facing today but to deal with a future which makes us less dependent on foreign oil.

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

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

HONORING CARL PIKE

Mr. WARNER. Mr. President, I rise today to once again touch on a subject that is important to me. I know it is very important to the Presiding Officer because the Commonwealth of Virginia and the great State of Maryland have a large number of Federal employees. As the Presiding Officer knows, this week we celebrate Public Service Recognition Week to honor public servants at all levels of government for their admirable patriotism and contributions to our country.

I wish to begin by commending our military intelligence professionals for the coordinated and painstaking work that was responsible for tracking down Osama bin Laden. There are a number of nameless, faceless Federal workers who have been investigating his whereabouts for more than a decade. I was proud to be in this Chamber with the Presiding Officer and colleagues from both sides of the aisle when, on Tuesday afternoon, this body recognized their work.

Our military and intelligence professionals are not the only ones on the front lines of keeping our country safe. Today, I rise to honor a resident of Reston, VA, Carl Pike, the Assistant Special Agent in Charge of the Special Operations Division at the Drug Enforcement Administration, DEA. This is a photo of Carl and his whole team.

We have all seen reports in recent years detailing the violent and inhumane acts of the Mexican drug cartels that terrorize cities and control a significant percentage of the narcotics flowing into the United States. Mr. Pike is the head of a complex multiagency task force set up to catch many of these violent criminals and disrupt the flow of drugs. Last year, he and his team led the largest strike ever against La Familia, one of the most ruthless Mexican drug cartels and a major trafficker of methamphetamine in the United States. The strike, dubbed ''Project Coronado,'' was an operation that spanned 20 States, 50 cities, 2 countries, and multiple Federal agencies. Attorney General Eric Holder said the ''unprecedented, coordinated U.S. law enforcement action'' was a ''significant blow to La Familia's supply chain of illegal drugs, weapons and cash flowing between Mexico and the United States.''

The strike would not have been possible without Mr. Pike, as so many of his colleagues attest. One DEA Special Assistant Agent in Charge said:

> He oversaw the broad interests of the law enforcement community, displayed phenomenal negotiating and planning skills, and facilitated collaboration between agencies and international partners that often had competing interests.

In the end, Project Coronado led to the arrest of 1,200 associates of La Familia and the seizure of 1½ tons of methamphetamine, $32 million in cash, and 400 weapons. It truly was a significant achievement.

Carl Pike and his team should be recognized for removing dangerous drugs and criminals off our streets—something for which we can all be grateful.

I hope my colleagues will join me in honoring Mr. Pike and his team as well as all those at the DEA for their excellence and service to our Nation.

I was also proud to be part of a group earlier today recognizing a number of Federal employees—nine from the Commonwealth of Virginia and many from the State of Maryland—who were part of a national competition that recognizes quality work of government workers.

As we see this week in broad display those military intelligence professionals in this most dramatic action against Osama bin Laden, as we see Mr. Pike and his team taking on drug cartels, and as we see the hundreds of thousands of other Federal workers who day-in and day-out, often without recognition, do the job of keeping our government operating and in many ways keeping our country safe, I hope my colleagues will join in saluting those efforts and recognize that this week, Public Service Recognition Week, is to honor all of our public servants.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, do I understand correctly that we are continuing in morning business?

The PRESIDING OFFICER. Yes.

RUSSIAN RULE OF LAW

Mr. WICKER. Mr. President, on several occasions I have risen to address my colleagues on the topic of Russia and the continuing sad state of the rule of law in the Russian Federation. Today, I rise once again to address the latest information regarding the absence of a rule-of-law framework in Russia's approach to businesses and investors. Specifically, this situation negatively impacts the United States and the entire international community.

There have been a number of poor decisions around the world related to the Yukos Oil issue that highlight Russia's hostility toward investment and business. As my colleagues may be aware, GML, the majority shareholder of the former Yukos Oil, previously headed by businessman and now political prisoner Mikhail Hoarders, has a $100 billion arbitration claim against the Russian Federation to obtain compensation for the Yukos assets which were summarily taken between 2003 and 2005.

Several recent developments demonstrate yet again that international courts do not recognize Russia's 2003 expropriation of Yukos Oil Company as legitimate and that former stakeholders of the company may pursue compensation for their assets that were seized improperly and, in essence, nationalized by the Russian State.

Court victories handed to shareholders involved in the dispute indicate that the international legal system

will not recognize the validity of Russia's bankruptcy of Yukos. In December 2009, the New York Times detailed one of these victories in which an independent arbitration panel made a jurisdictional ruling that shareholders of the former Yukos Oil Company, GML, had the right to file and pursue an estimated $100 billion in damages from the Russian Government. The tribunal determined that Russia, as a signatory, was bound by the Energy Charter Treaty and must adhere to its provisions. This claim now moves to the next stage, with a decision expected in October 2013—regrettably slow but moving surely.

The most recent victory occurred in December of last year and involved a second international arbitration tribunal in Stockholm, which awarded RosInvestCo UK, a minority shareholder of Yukos, $3.5 million for the damages resulting from the Russian Government's actions. This was the first case in which anyone seriously examined the claims of an individual Yukos shareholder. The panel independently and unanimously concluded that the Russian Federation was liable for expropriating RosInvestCo's assets. I stress to you that this was a unanimous decision even though the tribunal included a Russian arbitrator.

I bring these developments to the attention of my Senate colleagues because I believe they demonstrate a growing movement in the international community that holds Russia accountable for its actions toward investors, and it is a movement the United States should support.

Minority shareholders, such as RosInvestCo, are just the tip of the iceberg when it comes to shareholders who lost billions that were rightfully theirs as a result of the seizure of Yukos assets. In the United States alone, shareholders were stripped of $6 billion to $12 billion.

Russia's actions toward Yukos remind us that investment in Russia is extremely risky. The international community is taking note. Americans are taking note. American legislators should take note.

Recent court decisions indicate that the legitimacy of the Russian Government's claims over Yukos assets are suspect at best.

With these thoughts in mind, I urge my colleagues to continue working to ensure protection and adequate mechanisms for U.S. shareholders and businesses doing business in Russia.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

GULF SHUTDOWN ANNIVERSARY

Mr. VITTER. Mr. President, tomorrow, May 6, will mark the 1-year anniversary of the formal moratorium placed on Gulf of Mexico energy production by President Obama and Secretary Salazar. I wish to speak on the eve of that occasion, particularly as our constituents continue to see the price at the pump go up and up, with really no end in sight. I think those two facts are deeply related because I think this moratorium, which continues as a de facto moratorium—a ''permatorium'' or a permit logjam to this day—is really one of the most poorly thought out, mismanaged, and ill-conceived energy decisions in terms of domestic energy production in our history.

The first of these moratoriums in the gulf—there are actually three different formal moratoriums—was announced on behalf of President Obama by Secretary Salazar 1 year ago tomorrow, May 6, 2010. It was done, in retrospect, we find out, very hastily and without scientific backing and justification. I say that because after that first moratorium was put down on May 6, 2010, on June 22 a Federal judge, Martin Feldman, of the Eastern District of Louisiana ruled against this job-crushing moratorium. It banned drilling below 500 feet of water for 6 months. But Judge Feldman put it on hold because he found that under Federal law it had failed to properly weigh a number of factors, including the economic impact it would have on the industry and surrounding communities.

I might add, in a hearing we had in the Senate about the administration's decision to place the moratorium in effect, it was shocking to hear administration officials say very directly—no holds barred—that they never considered any economic impact in the decision whatsoever. Again, failing to properly weigh the economic impact of the decision has been a chronic problem in some agencies, such as the EPA.

Unfortunately, this administration seems to have brought that same knee-jerk reaction to the Interior Department with the same economic illiteracy. In the Interior Department's infinite wisdom, on July 12, Secretary Salazar issued a backup second moratorium. The court struck down the first moratorium on the basis of existing Federal law, so he just came and issued a second moratorium on deepwater drilling. The second moratorium would soon be met with resistance and disappointment as coastal Louisiana communities would realize there was nothing they could do to stop Interior, which seemed hell-bent on adversely impacting their jobs.

On October 12, Secretary Salazar celebrated an illusory victory by lifting that moratorium, and at the time, he claimed that ''the policy position we are articulating today is that we are open for business.'' That is what Secretary Ken Salazar said on October 12. Unfortunately, those of us who live in Louisiana and along the gulf coast know that is not true. What he should have said is, the policy position we are articulating today is that we are open for business as long as you don't need a permit from the Interior Department, because that second formal moratorium was lifted, but that brought us to the initiation of the third moratorium—not a formal moratorium but a de facto one, a permatorium, a complete permit logjam in this administration and at the Department of the Interior. Again, this has been commonly and accurately referred to as a de facto moratorium, sometimes a permatorium, an absolute permit logjam. Secretary Salazar has perpetuated that, and Director Bromwich has perpetuated that. They repeatedly stated it doesn't exist, but the facts, the statistics, the numbers make bare that lie.

It would not be for 4 more months—until February 28 of this year—that the Interior Department would issue the very first permit to drill in deep water an exploratory well. So, again, big celebration, big announcements that the formal moratorium was lifted, but for 4 months zero permits and only 4 months later the first deepwater exploratory permit.

To date, even since February 28 of this year, there have only been 12 deepwater permits issued in the gulf. That pace is well below the pace before the BP disaster—about 60 percent slower than the prespill pace. This is for shallow and deep water combined. The pace of only deepwater new well permits—permits that would increase domestic supplies and our reserves—is forthcoming at the average pace of one per month—just a trickle, just a tiny percentage of the predisaster pace.

Tomorrow will be 1 year since the Obama administration implemented this moratorium policy, the first of three crushing moratoriums, two formal moratoriums, the ongoing de facto moratorium. The Energy Information Administration—and that is a nonpartisan division of the Department of Energy—is now estimating that the falloff in domestic production this year alone will be about 200,000 barrels per day—that is a lot of oil, 200,000 barrels per day—and an additional 200,000 barrels per day in 2012. To put this falloff in production that is expected from the Obama administration's policy in perspective, as a result of the permitting logjam, by 2012 we would lose as much production in the Gulf of Mexico as we currently import from Brazil and Colombia combined. These are the two countries, by the way, that are supported with taxpayer-funded guaranteed projects related to their energy production. This falloff in production in the gulf by 2012 is roughly equivalent also to what we imported in January from Iraq.

There are several points I would like to highlight for tomorrow's anniversary of the initiation of this moratorium policy.

First, the price of gasoline at the pump is now $3.98 a gallon. It has more than doubled since President Obama took office. There is perhaps not a greater antistimulus for our economy than the doubling of the price at the pump.

Second, seven deepwater rigs have left the Gulf of Mexico. They are gone,

and they are not coming back anytime soon. In addition, five are cold-stacked or without a contract. That is a total of 12 rigs. Ironically, that is exactly the same number of deepwater permits the Interior Department has issued—a trickle compared to pre-BP levels.

Third, what minor credit I should give the Interior Department for this abysmal pace of permitting will be noted when I release my hold on the nomination of Dan Ashe. I am currently holding that nomination of a top-level Interior Department official. I said I would hold it until we got at least 15 deepwater exploratory permits. At the time I initiated that, there were zero. As I said, that is now finally up to 12. I said I would lift the hold when we got to 15. We are just three away. We will get there. I will lift the hold. But that is merely a trickle of what our pace needs to be.

Fourth, today I will be introducing an important piece of legislation. It is called the Agency Overreach Moratorium Act. We need a moratorium. We need a moratorium on regulatory overreach, agency overreach, as we see in the Interior Department, in EPA, in many other agencies. This legislation is intended to prevent Federal action that would unilaterally destroy jobs on Federal lands on the OCS. That is happening every day at the Interior Department. Instead of issuing permits to find American energy, they are issuing regulations, the most recent on a whole new category of contractors—completely unnecessary because they were already regulating the drillers. That is regulatory overreach, and that is job-killing action. My Agency Overreach Moratorium Act will lay out the real moratorium we need on job-killing action out of Washington, out of this administration, not on domestic energy production.

I thank all of my colleagues, and I hope we will all come together soon around a commonsense, proactive domestic energy policy. It needs to include a lot. I am a fervent believer in all of the above, but it certainly needs to start lifting the continuing de facto moratorium on U.S. energy production, on U.S. jobs, on good additional Federal revenue to the U.S. Treasury to lower our deficit if we are going to get on the right energy path.

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

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

SYRIA

Mr. LIEBERMAN. Madam President, I rise to speak specifically about the alarming situation in Syria, where the regime of Bashar al Asad is pursuing a barbaric campaign of indiscriminate repression against the Syrian people.

Over the past 2 weeks, the crackdown pursued by Asad has markedly escalated. There can no longer be any doubt about his intentions. As a report by a respected nongovernmental organization, the International Crisis Group, warned this week:

> The regime's hope appears to be that a massive crackdown can bring the protestors to heel. . . . Such a course of action would entail loss of life on a massive scale and it could usher in a period of sectarian fighting with devastating consequences for Syria. It could destabilize its neighbors. And, ultimately, it is highly unlikely to work.

Madam President, in the city of Deraa, the Asad regime has deployed tanks against the civilian population. It has cut off phone lines, water, food, and electricity, and deployed snipers—according to human rights groups—who have been firing at anyone who ventures outdoors. That includes young people who are sent outdoors by their families to try to buy food.

In short, what we see in Deraa is a broad-based, indiscriminate assault by Asad's military forces against the people of his own country. The evidence is growing that international crimes are being perpetrated by Bashar Asad himself in the city of Deraa in Syria.

The attack on Deraa is just one part of a course of a broader crackdown by Syrian security forces across the country—a crackdown that has left several hundred people dead. Tanks and military forces have been reported being deployed in other cities in Syria. According to Human Rights Watch, the number of arbitrary detentions of civilians and enforced disappearances around the country has skyrocketed in recent days as the Asad regime has swept up not only demonstrators but women, minors, and family members of activists. Another Syrian human rights group has documented more than 500 arrests in Deraa alone since last week, and thousands more nationwide have also been detained or disappeared arbitrarily.

As the report by the International Crisis Group argued—the report I referenced before that came out earlier this week:

> The regime is also fanning the flames of sectarianism, spreading rumors of impending acts targeting specific groups. Sectarian tendencies no doubt exist in parts of the country, but the authorities' tactics betray a determined and cynical attempt to exploit and exacerbate them.

What is most remarkable of all is that in the face of and despite these outrageous inhumane actions by the Asad regime, the people of Syria refuse to be silenced. They refuse to be intimidated. In the face of tanks and snipers, the people of Syria have continued to cry out and demonstrate for their fundamental human rights, and they have continued to do so peacefully. Moreover, despite the sectarian provocations by President Asad, the message of the protesters has remained steadfastly one of Syrian national unity.

Tomorrow, Friday, it is expected that thousands of brave Syrians will once again take to the streets of their cities and towns in protest of the totalitarian dictatorship that currently controls their country. As they do so, I want them to know that the United States and the rest of the civilized world stands unequivocally on the side of the people of Syria in solidarity with them in their courageous struggle for their human rights. They should know also that we are increasingly confident that the people of Syria can and will prevail over the Asad regime.

There is much we in the United States can and must do to help the Syrian people in their fight for freedom. Last week, the Obama administration issued an Executive order authorizing targeted sanctions against individuals and organizations responsible for the human rights abuses in Syria. The administration used this newest authority to sanction three Syrian officials, including Maher al Asad, the brother of Bashar al Asad. This was a very important action, and I thank and commend the Obama administration for taking it.

There is, however, more that now can and must be done. To begin with, it is clear there are many more individuals in the Syrian Government than the three named so far who are responsible for the human rights abuses and worse that are taking place throughout Syria. It is urgent and essential that the Obama administration expand the sanctions to cover these additional Syrian officials.

Members of the Syrian security forces and government must understand they face a choice in the days ahead. If they stick with the Asad regime and participate in the barbaric crackdown against their fellow Syrians, their names are going to be made famous around the world, and they will be held accountable.

It is also critical that the United States impose sanctions on Bashar al Asad himself, for he is the head of the regime that is systematically carrying out large-scale human rights abuses. It is he who is directing his military forces to fire on his own people. Surely, it requires a willing suspension of disbelief to think the order to use military force against the Syrian people did not originate with the President of Syria himself—Bashar al Asad. He must be held accountable.

I respectfully urge President Obama to speak out as soon as possible, directly and personally, about what is happening in Syria. The moral authority of the President of the United States matters enormously at historic moments such as the one in Syria now. Unfortunately, there are still many in Syria and throughout the Middle East who believe the United States is hedging its bets in Syria. It is time to put those doubts to rest.

I have met over the last few weeks, as recently as yesterday, with Syrian

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

asked Washington to repeal these onerous Medicaid mandates. We have introduced legislation—the State Flexibility Act, as the Senator mentioned—to do exactly what the Governors have asked.

The State Flexibility Act fully repeals these burdensome Medicaid MOE regulations. It starts to put States back in control to balance their budgets while simultaneously lowering Federal entitlement spending. Our legislation will save taxpayers $2.8 billion over just the first 5 years. That is a lot of money.

Regardless of political affiliation, I am confident this bill has the potential to garner strong, bipartisan support in Congress, and it represents a strong first step toward achieving comprehensive Medicaid reform. Any Senator who has talked to his or her State's Governor knows we need to pass this legislation to enable States to survive the current fiscal crisis and to better care for the most vulnerable Medicaid beneficiaries in their respective States.

It is time for Congress to roll back these unreasonable MOE mandates and put the States, not Washington, back in charge.

I personally thank the Senator, my colleague from Wyoming, Mr. BARRASSO, for working with us on this legislation. Without him here, I don't think we would be able to do anywhere near as much as we are doing. The Senator, in particular, brings a unique perspective to the debate over MOE requirements, and I don't know of any Senator who is serving his State any better than he.

I would appreciate hearing more of the Senator's thoughts on this matter because he has the experience, and he has operated on countless people, and he has done it whether they have been Medicaid beneficiaries, people who have insurance, or people who have nothing. I know that. I have great admiration for the Senator from Wyoming. These States have been heavily burdened with MOE requirements, which are bureaucratic unnecessaries. I would like to hear from the Senator how important that is.

Mr. BARRASSO. I appreciate the comments of my colleague. I have taken care of Medicaid patients over the years, and I know this is a program that is burdensome. I also served in the State legislature, and I know the mandates coming out of Washington make it harder for the people back home to take care of patients and harder for our State legislatures to deal with helping people on Medicaid, making it more difficult for physicians to take care of those patients, and making it more expensive. There is a lot of waste in the mandate.

When Senator HATCH talked about the comments from his Governor, I have comments from ours as well, Governor Matt Mead, who has been in office only just since January. He wrote and was one of the 33 Governors who signed a letter to President Obama saying that the costs of maintaining their Medicaid Programs are fast becoming a serious threat to the State's general funds.

We live in a State where we have to balance the budget every year. He went on to say that Wyoming needs to have flexibility, which is the key word and the title of the bill introduced by Senator HATCH, S. 868, the State Flexibility Act.

That is what Governors are asking for, flexibility, because with that flexibility they can do better for the patients, and they can do it cheaper. Wyoming needs the flexibility at the State level to ensure that the Medicaid Program is operated efficiently and effectively.

People do not believe they are getting efficiency and effectiveness out of Washington these days. They do not think they are getting value for their money. I agree with the American people. I have heard them loudly and clearly. I said it when I was practicing medicine and I say it as a Member of the Senate.

Our Governor goes on: Wyoming strongly supports the removal of these maintenance of effort requirements. This is why I come to the Senate floor every week to talk about this health care law, the implications of it, the impact on the people of this great country, and why I think this health care law is one that is ultimately bad for patients, bad for providers, the nurses and the doctors who take care of those patients, and also bad for the American taxpayers. At a time when we are borrowing 41 cents for every $1 we spend in this country, we cannot afford to continue to waste money.

Our problem in this country is not that we are taxed too little, it is that we spend too much and do not spend it well. We have to begin focusing differently, and one of the ways we can do it—my understanding from looking at this is actually the Congressional Budget Office, which does the scoring on legislation, scored Senator HATCH's State Flexibility Act as actually saving, I think, $2.8 billion total over 5 years.

Mr. HATCH. Right.

Mr. BARRASSO. Isn't that what we are trying to do: save money, help people, do it more efficiently, more effectively? That is why I am proud to cosponsor with my friend, Senator HATCH, the State Flexibility Act.

Mr. HATCH. And give the States flexibility to do what they can do better than the Federal Government. As a former medical liability defense lawyer back in my early days, I represented doctors, health care providers, nurses, and hospitals in defending them from what were, in most cases, frivolous suits that run up the cost of medicine.

I cannot tell you what it means to me to have Senator BARRASSO in the Senate with all the medical experience he has had. Frankly, the States can do the job, but they cannot do it within budget if we keep piling regulation and onerous burdens on them, such as the partisan health care bill does.

Frankly, I want the Senator from Wyoming to know I feel it is an honor to serve with him and an honor to have a couple of medical doctors on our side. Dr. BARRASSO and Dr. COBURN are both excellent doctors. They have lived through these problems. They know what they are like. They do not have to have anybody tell them what is wrong with the approaches we are taking. They know what is wrong.

Frankly, I thank the Senator from Wyoming for being willing to serve here.

Mr. BARRASSO. I appreciate the kindness and I appreciate the fact that Senator HATCH is allowing me to work with him. He has a long and illustrious career of leadership in the Senate, and he has been a champion over the years of the fact that States are better than Washington to make decisions because what works in one State may not work in another State. If we give States the flexibility, ultimately they will do it better. They are the laboratories of democracy. That is why we believe in limited government and making decisions at the local level as close to home as possible, which is why I know so many Governors across the country support the State Flexibility Act. I am hoping we get a successful vote in the Senate on it because whenever Washington makes a one-size-fits-all decision, it hardly ever works for most folks back home.

Mr. HATCH. That is right. I believe this will have great bipartisan support among the Governors and hopefully in this body. I thank Senator BARRASSO for bringing this to our attention.

Mr. BARRASSO. I thank Senator HATCH.

Madam President, I will tell you, I still believe this is a law that is bad for patients, it is bad for health care providers of this country, the nurses and doctors who take care of them, bad for taxpayers. I will be back at home in Wyoming over the weekend visiting with patients, as well as providers, as well as taxpayers, listening to what they have to say. I know the people of Wyoming have great concerns about this health care law and would like the kind of flexibility that is described in S. 868, the State Flexibility Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. I thank the Chair.

(The remarks of Mr. COCHRAN pertaining to the submission of S. Res. 170 are located in today's RECORD under "Submitted Resolutions.")

Mr. COCHRAN. I yield the floor.

COMMENDING CONGRESSMAN PETER WELCH

Mr. LEAHY. Mr. President, I would like share the good work being done by my friend and colleague in the House of Representatives, Congressman PETER WELCH.

As Democrats and Republicans continue their discussions, I am proud that PETER is bringing a Vermont perspective and Vermont values to the debate. He understands the dangers the United States faces if we default on our debt, but the burden of addressing our mounting national debt must be shared fairly. Budgets are a reflection of our national priorities, and we simply cannot balance our budget on the backs of the most vulnerable alone.

I applaud PETER for bringing his reasoned and responsible message to the debate. I ask unanimous consent that an article on Congressman WELCH from today's The Hill be printed in the RECORD.

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

REP. WELCH: PARTISAN DIVISION BEGS CLEAN VOTE TO RAISE NATION'S DEBT CEILING

(By Mike Lillis)

Lawmakers seeking a bipartisan deficit-reduction plan to accompany the looming debt-ceiling vote are deluding themselves about the efficiency of Congress, according to the Democrat spearheading the push for a clean debt-limit bill.

Rep. Peter Welch (D–Vt.), who has emerged in recent weeks as the staunchest proponent of a standalone debt-ceiling hike, said the parties are simply too far apart ideologically to reach a budget deal in time to avoid the market turmoil many fear would attend inaction on the debt limit.

In a sit-down interview with The Hill from his fourth-floor Longworth office, Welch noted the recent fight over 2011 spending took the country to the very brink of a government shutdown.

The battle over the long-term budget will be even tougher to resolve, he warned, and thus should be tackled separately from the must-pass debt-limit hike.

''If the leadership thinks it can make progress on some steps that would move us toward a better long-term sustainable budget—fine,'' Welch said Monday. ''But if any of us are candid—and we saw how just the simple question of trying to keep the lights on in the government brought us to the midnight hour—do we realistically think that the gap between the [Democrats'] approach on the budget and the [Republicans'] approach on the budget can be bridged in that period of time?''

Congress's systemic dysfunction was on display last month, Welch charged, when Standard & Poor's revised its U.S. debt-rating outlook from ''neutral'' to ''negative.'' That move was largely influenced not by fiscal considerations, he noted, but by ''a lack of confidence in Congress and its ability to make the compromises that are required to get from here to there.''

With that in mind, Welch last month spearheaded a letter urging Democratic leaders to unite behind a clean debt-limit bill. It was endorsed by 114 Democrats. The potential economic fallout of flirting with default, he warned, is too serious to saddle the debt-ceiling vote with politically charged budget conditions.

''This is not a matter of ripping up the credit card; this is a matter of paying off the credit card,'' Welch said. ''And if you don't allow us to do that . . . we're basically saying we're going to stiff our creditors.''

For almost a century, Congress has set a cap on the nation's debt, allowing the government to issue bonds to fund its deficit spending—up to a certain level.

Treasury Secretary Timothy Geithner has projected the government will surpass the current $14.3 trillion ceiling on May 16. Recognizing the improbability that Congress will act before then, Geithner on Monday told lawmakers he can take ''extraordinary measures'' to stave off default for several more months. He set the new deadline at Aug. 2.

All sides of the debate agree that Congress will ultimately raise the debt ceiling. The question remains how it will do that.

Republican leaders have insisted that the debt-limit vote be coupled with a strategy for bringing down deficits over the long haul—a sentiment shared by a growing number of Senate Democrats.

''The vehicle upon which something is likely to be achieved to reduce government spending is the debt ceiling,'' Senate Minority Leader Mitch McConnell (R–Ky.) told reporters Tuesday. ''I don't intend to vote to raise the debt ceiling unless we do something significant about the debt.''

In the House, Majority Leader Eric Cantor (R–Va.) suggested Tuesday that Republicans might stage a vote on a clean debt-ceiling bill just to prove it can't pass—a strategy Welch blasted as a ''political stunt.''

Rep. John Larson (Conn.), chairman of the House Democratic Caucus, said this week that Democrats are ''amenable'' to strategies that couple the debt-ceiling vote with a long-term deficit-reduction plan—with a major caveat.

''They just have to be consistent with not touching Social Security, Medicare, Medicaid and dismantling the social compact between the American people and [their] government,'' Larson told The Hill on Tuesday.

Therein lies the trouble, as GOP leaders are eyeing cuts to all of those programs as part of their deficit-reduction plans.

Leaders from both parties, representing both chambers, will meet Thursday with Vice President Biden in the first official attempt to reach a long-term budget agreement.

Welch, a chief deputy whip, doesn't have much faith in a quick resolution.

''The more the clock ticks, the more apprehension you'll start to see in the markets,'' he warned. ''When this happens, it could happen very quickly—and with devastating consequences.''

It's not the first time Welch has emerged on the national stage amid a thorny budget debate. In December, he was among the fiercest opponents of the agreement between Obama and McConnell to extend the George W. Bush-era tax cuts through 2012, even for the wealthiest Americans.

This week, he tempered that criticism with a bit of pragmatism.

''It was not a great deal, but it was the best deal [we could get],'' he said. ''My criticism also acknowledges that the president had his reasons, and we in the House—the Democrats—didn't have the votes.''

Welch was also highly critical of the cuts to low-income energy subsidies contained in Obama's 2012 budget proposal—cuts Welch said would ''literally freeze'' his constituents who rely on them to pay their heating bills.

''A lot of us understood that the president was making a statement,'' Welch said Monday of that critique. ''I respected what motivated the president.''

In some sense, Welch's rise to prominence is as improbable as passage of the clean debt-ceiling hike he's lobbying. The third-term liberal is a relative newcomer to Capitol Hill. And the Vermont he represents hardly shares the national political reputation that characterizes many of its New England neighbors.

Yet lawmakers on both sides of the aisle say Welch's emergence is no accident. Rep. Jim Cooper (D–Tenn.), a Blue Dog leader who shares a Capitol Hill apartment with the liberal Welch, said his roommate studies hard and uses his experience as a state legislator to great advantage in Washington.

''Peter is a nerd, just like me,'' Cooper said in an e-mail. ''He actually takes the time to read legislation and understand the issues, which has become a rarity in Washington. Coming from state government, where you need to balance the budget every year, he understands the importance of paying for legislation. This has made him a key consensus builder in the House and one of the strongest advocates of fiscal responsibility in the Progressive Caucus.''

Rep. Peter Roskam (Ill.), the Republican chief deputy whip, called Welch ''a happy warrior''—the rare legislator who ''firmly believes in a set of principles'' but is also quick to engage the other side.

''When the country looks at Washington, they feel like members are just talking past each other,'' Roskam told The Hill this week. Welch, on the other hand, ''is very engaging.''

The bookshelf in Welch's office tells a similar story. It holds volumes by Nancy Pelosi as well as T. Boone Pickens; it boasts the 9/11 Commission Report but also a collection of poems by Rumi, a 13th-century Persian poet and mystic.

Welch is also one of the few Democrats willing to go face to face with Sean Hannity, the conservative—and characteristically combative—Fox News pundit.

Welch conceded Monday that he ''got the Democratic treatment'' during his recent Hannity appearance. But only by reaching across the aisle, he said, will lawmakers in Washington ever be truly effective.

''A lot of us get in arguments as though it's an ideological battle to be won, rather than a practical problem to be solved. . . . That doesn't work for the country,'' he said. ''I hope that we all can take a step back—all of us—and see that there's real advantage to us trying to work together.''

HONORING THE MILITARY AND INTELLIGENCE COMMUNITIES

Ms. SNOWE. Mr. President, I was pleased to join Senate Majority Leader REID and Republican Leader MCCONNELL in offering the strongest possible support for the Senate resolution honoring our heroic military and intelligence communities responsible for carrying out the mission that resulted in the death of one of the most reviled murderers and nefarious menaces of our time—Osama bin Laden.

As a senior member of the Senate Select Committee on Intelligence, I cannot begin to commend our Armed Forces and intelligence professionals enough for their absolutely exceptional and flawless heroism in conducting the most perilous and consequential of operations. With the highest level of perseverance, professionalism, service, and sacrifice conceivable, our bravest and finest joined forces and brought the day of reckoning and justice that long awaited this wretched terrorist.

This landmark event is indeed a significant stride in the war on terrorism. Since 9/11, the efforts of our tireless and dedicated Armed Forces and intelligence operators have sought to keep our homeland safe and make the world more secure. On May 1, 2011, these efforts culminated in the death of one of

terrorism's global leaders, marking a decisive milestone in the war against terror. We are blessed with such brave and valiant men and women serving this country at home and abroad. These heroes have made selfless sacrifices and put their lives on the line for our Nation. While we are sleeping at night, they are fighting on our behalf. During this now-legendary May 1 raid, their mettle and courage were brought to the forefront for all the world to see.

As a result of the horrendous events of September 11, 2001, that are etched upon our consciousness for all time, we will never be the same. Out of the rubble of September 11 rose our resolve, out of despair grew our determination, and out of the hate that was perpetrated upon us stood our humanity. We illustrated in word and deed that the iconic American spirit is stronger and more permanent than any pain or suffering that can be inflicted upon us.

If the likes of Osama bin Laden laid bare the unimaginable cruelties of which humankind is capable, it also imbued forever within our minds the heights to which the human spirit can rise—even and especially in the face of the most daunting of circumstances. The resilience we recaptured as a country remains pressed upon our national psyche and the memory of the inspirational sacrifices of so many heroic Americans who perished that September morning will forever have a home in our hearts and our prayers.

I think about all of the servicemen and women who willingly joined the military specifically to fight because of what happened on 9/11, and the sacrifices of their families and the lives that have been lost. Today, and every day, we express immeasurable gratitude to the over 6,000 Americans in Iraq and Afghanistan who have given their lives to make the world a safer place. Without their vital contributions, we could not have achieved this milestone today. This resolution will stand as a testament that without the stalwart efforts and unwavering dedication of our valorous men and women in uniform and within our intelligence community, this threshold moment in our nation's history would not have been possible.

While justice has been brought to the face of terrorism for the last decade, we must remain vigilant. In the aftermath of bin Laden's death, the threat posed by al-Qaida and other terrorist groups continues real and unabated—and we must remain on high alert. British statesman Edmund Burke once famously said ''all that is necessary for the forces of evil to win in the world is for enough good men to do nothing.'' These heroic patriots whom we laud today tracked their target with precision, preparation, and patience, as well as an unmistakable sense of duty and valor reserved for only the best among us, and they delivered a death knell that will reverberate for generations to come.

ADDITIONAL STATEMENTS

TRIBUTE TO ERICA QUIN-EASTER

• Ms. SNOWE. Mr. President, women-owned businesses are growing at one and a half times the national average in the United States. This astonishing statistic alone is impressive, but it should also be noted that despite this growth women owned small businesses face unique challenges. Thankfully there are programs in place that provide guidance to these entrepreneurs by individuals with specialized knowledge in women's business issues.

Today I commend and recognize an exceptional woman who epitomizes the core values of entrepreneurship with conviction and competence—Erica Quin-Easter, a microenterprise coordinator at Maine Centers for Women, Work & Community in Presque Isle. Ms. Quin-Easter was recently named Maine's 2011 Women in Business Champion by the U.S. Small Business Administration, and she is being recognized today for this achievement at a luncheon in Bangor. This is a richly deserved honor as Ms. Quin-Easter continuously focuses on enhancing women's abilities to bring to fruition their dreams of small business ownership.

Maine Centers for Women, Work & Community was founded in 1978. It serves as the only statewide comprehensive women's economic development organization in Maine. In 2008, Ms. Quin-Easter joined the Maine Center for Women, Work & Community at the Presque Isle location. The Presque Isle location serves Aroostook County, our State's largest and northernmost county. Since joining Women, Work & Community, Ms. Quin-Easter has assisted nearly 500 entrepreneurs on topics from loans to taxes to business plans.

Ms. Quin-Easter also strives to educate the greater small business community, extending her reach beyond those who may utilize the center's resources. For example, this past March she wrote an article for the Bangor Daily News to enlighten small business owners on taking control of their business finances. Work such as this demonstrates Ms. Quin-Easter's commitment to ensuring that small businesses throughout Maine prosper. She also assisted in organizing a day-long seminar for women called ''ALL for Women''—Aroostook Leadership and Learning for Women—to connect them with other business and community leaders and mentors to assist in gathering insight and confidence to reach for their dreams of self employment.

In addition to Ms. Quin-Easter's excellent work for small businesses, she continually seeks to enhance and promote her community. As a long-time musician and composer, Ms. Quin-Easter recently collaborated with poets and musicians to arrange ''(F)light.'' This piece will showcase Women in Harmony, a 60-member chorus of women's voices in Portland, with whom Ms. Quin-Easter previously sang.

Furthermore, Ms. Quin-Easter works on the board of directors for Momentum Aroostook Board and Wintergreen Arts Center. While engaging in these philanthropic endeavors, Ms. Quin-Easter is also a University of Maine Canadian-American Center fellow. For one person this is an extraordinary workload, but Ms. Quin-Easter's daily energy and enthusiasm shine throughout all her work. Her many contributions to Maine, and Aroostook County in particular, demonstrate her commitment to enhancing cultural diversity across our State and helping others improve their own conditions.

Erica Quin-Easter is truly an inspiring individual. Her dedication to encouraging and counseling women entrepreneurs and small business owners is exemplary and inspiring. I thank Erica for her tireless work on behalf of women and congratulate her on the distinction of being named ''Maine's 2011 Women in Business Champion'' by the U.S. Small Business Administration, a very well deserved honor.•

HONORING WORLD WAR II VETERANS

• Mr. VITTER. Mr. President, I rise today to acknowledge and honor a very special group of veterans. In appreciation of their selfless service to our country, Brookshire's Grocery and Super 1 Foods have sponsored a World War II Heroes Flight that will take 33 World War II veterans to Washington, DC, free of charge. A group of 27 veterans will be in Washington May 10–12, 2011, for this very special trip.

I want to take a moment to thank all these brave veterans visiting our Capital city this trip:

Peter Ballas, Shreveport, LA; Sam Canter, Blanchard, LA; Nick DeFatta, Shreveport, LA; Les Eckhard, Shreveport, LA; Chuck Fellers, Shreveport, LA; Mason Ferguson, Shreveport, LA; Dale Foster, Homer, LA; James Fraiser, Minden, LA; Bootsie Frazier, Shreveport, LA; Aubrey Gaston, Choudrant, LA; Frank Guraedy, West Monroe, LA; Bobby Harrell, Shreveport, LA; Snookie Harrison, Shreveport, LA; Ken Hawkins, Bossier City, LA; Robert Hawkins, Shreveport, LA; Gene Hodgkins, Monroe, LA; Pete Johnson, Shreveport, LA; Dorothy Kneipp, Keithville, LA; Glenn Murphy, Alexandria, LA; Don Odom, Homer, LA; Earl Owens, Shreveport, LA; Frank Porter, Shreveport, LA; Ray Rushing, Shreveport, LA; Grady Shows, Shreveport, LA; Don Tompkins , Bossier City, LA; Wilmer Warrington, Shreveport, LA; Fred Wells, Shreveport, LA.

While visiting Washington, DC, these veterans will tour Arlington National Cemetery, the Iwo Jima Memorial, the World War II Memorial, the U.S. Capitol, and other sites. This program provides many veterans with their only opportunity to see the great memorials dedicated to their service.

Thus, today, I ask my colleagues to join me in honoring these great Americans and thanking them for their devotion and service to our Nation.•

MESSAGE FROM THE HOUSE

At 10:04 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3. An act to prohibit taxpayer funded abortions and to provide for conscience protection, and for other purposes.

H.R. 1214. An act to repeal mandatory funding for school-based health center construction.

MEASURES REFERRED

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

H.R. 1214. An act to repeal mandatory funding for school-based health center construction; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

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

H.R. 1213. An act to repeal mandatory funding provided to States in the Patient Protection and Affordable Care Act to establish American Health Benefit Exchanges.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3. An act to prohibit taxpayer funded abortions and to provide for conscience protections, and for other purposes.

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–1473. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services to support the design, manufacture and delivery of the Es' Hail Satellite Program in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–1474. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, to include technical data, and defense services to Japan for the support, maintenance, overhaul and assembly, inspection and test of F110–GE–129 gas turbine engines for use in F–2 fighter aircraft in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–1475. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report relative to certifications granted in relation to the incidental capture of sea turtles in commercial shrimping operations; to the Committee on Foreign Relations.

EC–1476. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, status reports relative to Iraq for the period of December 21, 2010 through February 20, 2011; to the Committee on Foreign Relations.

EC–1477. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a proposed amendment to parts 120 and 124 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC–1478. A communication from the Chairman of the Broadcasting Board of Governors, transmitting, pursuant to law, a report relative to U.S.-funded international broadcasting efforts in Iran; to the Committee on Foreign Relations.

EC–1479. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Definition of Multiple-Award Contract'' ((RIN0750–AH12)(DFARS Case 2011–D016)) received during adjournment of the Senate in the Office of the President of the Senate on April 22, 2011; to the Committee on Armed Services.

EC–1480. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Accelerate Small Business Payments'' ((RIN0750–AH19)(DFARS Case 2011–D008)) received during adjournment of the Senate in the Office of the President of the Senate on April 22, 2011; to the Committee on Armed Services.

EC–1481. A communication from the Assistant Secretary of Defense (Nuclear and Chemical and Biological Defense Programs) transmitting, pursuant to law, the Department of Defense Chemical and Biological Defense Program Annual Report to Congress for 2011; to the Committee on Armed Services.

EC–1482. A communication from the Director of the Policy Issuances Division, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''New Formulas for Calculating the Basetime, Overtime, Holiday, and Laboratory Services Rates; Rate Changes Based on the Formulas; and Increased Fees for the Accredited Laboratory Program'' (RIN0583–AD40) received during adjournment of the Senate in the Office of the President of the Senate on April 20, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1483. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64)(Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on May 3, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1484. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation M—Consumer Leasing'' (Docket No. R–1400) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1485. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation Z—Truth in Lending'' (Docket No. R–1399) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1486. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the Understandings Reached at the 2010 Australia Group (AG) Plenary Meeting and Other AG-Related Clarifications and Corrections to the Export Administration Regulations (EAR)'' (RIN0694–AF04) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1487. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Editorial Corrections to the Export Administration Regulations'' (RIN0694–AE96) received during adjournment of the Senate in the Office of the President of the Senate on April 27, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1488. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Energy Conservation Standards for Residential Clothes Dryers and Room Air Conditioners'' (RIN1904–AA89) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Energy and Natural Resources.

EC–1489. A communication from the Chief, Endangered Species Program, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; 44 Marine and Anadromous Taxa: Adding 10 Taxa, Delisting 1 Taxon, Reclassifying 1 Taxon, and Updating 32 Taxa on the List of Endangered and Threatened Wildlife'' (RIN1018–AW09) received during adjournment of the Senate in the Office of the President of the Senate on April 25, 2011; to the Committee on Environment and Public Works.

EC–1490. A communication from the Deputy Director for Operations, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits'' (29 CFR Part 4022) received in the Office of the President of the Senate on May 3, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–1491. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Wah Chang facility in Albany, Oregon, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–1492. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Grand Junction Operations Office, Grand Junction, Colorado, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–1493. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Vitro Manufacturing site in Canonsburg, Pennsylvania, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–1494. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Norton Co. (or a subsequent owner) in Worcester, Massachusetts, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–1495. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Linde Ceramics Plant in Tonawanda, New York, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–1496. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Obstetrical and Gynecological Devices; Classification of the Hemorrhoid Prevention Pressure Wedge'' ((21 CFR Part 884)(Docket No. FDA–2011–N–0118)) received during adjournment of the Senate in the Office of the President of the Senate on April 27, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–1497. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Revision of the Requirements for Constituent Materials'' ((21 CFR Part 610)(Docket No. FDA–2010–N–0099)) received during adjournment of the Senate in the Office of the President of the Senate on April 27, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–1498. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Irradiation in the Production, Processing, and Handling of Food'' ((21 CFR Part 179)(Docket No. FDA–1998–F–0072)) received during adjournment of the Senate in the Office of the President of the Senate on April 27, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–1499. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; General and Plastic Surgery Devices; Classification of the Low Level Laser System for Aesthetic Use'' ((21 CFR Part 878)(Docket No. FDA–2011–N–0188)) received during adjournment of the Senate in the Office of the President of the Senate on April 27, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–1500. A communication from the Chief of the Border Securities Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendments to List of CBP Preclearance Offices in Foreign Countries: Addition of Dublin, Ireland'' (CBP Dec. 11–08) received during adjournment of the Senate in the Office of the President of the Senate on April 19, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–1501. A communication from the Acting Associate General Counsel for General Law, Office of the General Counsel, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the Department of Homeland Security in the position of Under Secretary for Management, received during adjournment of the Senate in the Office of the President of the Senate on April 28, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–1502. A communication from the Director, Public Affairs and Government Relations, U.S. Postal Regulatory Commission, transmitting, pursuant to law, the commission's fiscal year 2010 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–1503. A communication from the Equal Employment Opportunity Director, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the Farm Credit System Insurance Corporation's fiscal year 2010 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–1504. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the commission's calendar year 2010 Sunshine Act compliance report; to the Committee on Homeland Security and Governmental Affairs.

EC–1505. A communication from the Chief Executive Officer, Corporation for National and Community Service, the Corporation for National and Community Service's fiscal year 2010 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–1506. A communication from the Deputy Secretary, American Battle Monuments Commission, transmitting, pursuant to law, the commission's fiscal year 2010 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–1507. A communication from the Director, Equal Employment Opportunities and Diversity Programs, National Archives, transmitting, pursuant to law, the National Archive's fiscal year 2010 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–1508. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Sufficiency Review of the District of Columbia Water and Sewer Authority's (DC Water) Fiscal Year 2011 Revenue Estimate in Support of the Issuance of $300,000,000 in Public Utility Subordinate Lien Revenue Bonds (Series 2010A and 2010B)''; to the Committee on Homeland Security and Governmental Affairs.

EC–1509. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Review of the Office of Risk Management's Fiscal Year 2009 Performance Accountability Report''; to the Committee on Homeland Security and Governmental Affairs.

EC–1510. A communication from the Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Food Distribution Program on Indian Reservations: Amendments Related to the Food, Conservation, and Energy Act of 2008'' (RIN0584–AD95) received during adjournment of the Senate in the Office of the President of the Senate on April 20, 2011; to the Committee on Indian Affairs.

EC–1511. A communication from the Chairman, Dwight D. Eisenhower Memorial Commission, transmitting, pursuant to law, a report relative to the memorial construction; to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*Scott C. Doney, of Massachusetts, to be Chief Scientist of the National Oceanic and Atmospheric Administration.

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

*Coast Guard nomination of William G. Dwyer, to be Lieutenant Commander.

*Coast Guard nominations beginning with Jessica L. Bohn and ending with Jeremy A. Weiss, which nominations were received by the Senate and appeared in the Congressional Record on April 8, 2011.

*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 Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 888. A bill to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (for himself, Mr. MANCHIN, Mr. COCHRAN, Mr. WHITEHOUSE, and Ms. STABENOW):

S. 889. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day; to the Committee on Banking, Housing, and Urban Affairs.

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

S. 890. A bill to establish the supplemental fraud fighting account, and for other purposes; to the Committee on the Judiciary.

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

S. 891. A bill to amend title XVIII of the Social Security Act to provide for the recognition of attending physician assistants as attending physicians to serve hospice patients; to the Committee on Finance.

By Mr. BURR (for himself, Mr. DEMINT, Mr. ENZI, Mr. THUNE, Mr. MCCAIN, Mr. COATS, Mr. SHELBY, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. COCHRAN, Mrs. HUTCHISON, Mr. VITTER, Mr. HATCH, Mr. JOHNSON of Wisconsin, and Mr. LEE):

S. 892. A bill to establish the Department of Energy and the Environment, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU:

S. 893. A bill to authorize the Secretary of the Interior to provide financial assistance to the State of Louisiana for a pilot program to develop measures to eradicate or control feral swine and to assess and restore wetlands damaged by feral swine; to the Committee on Environment and Public Works.

By Mrs. MURRAY (for herself, Mr. BURR, Mr. ROCKEFELLER, Mr. AKAKA, Mr. SANDERS, Mr. BROWN of Ohio, Mr. WEBB, Mr. TESTER, Mr. BEGICH, Mr. ISAKSON, Mr. WICKER, Mr. JOHANNS, Mr. BROWN of Massachusetts, Mr. MORAN, and Mr. BOOZMAN):

S. 894. A bill to amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BEGICH (for himself, Mr. LIEBERMAN, Mrs. GILLIBRAND, and Mr. LEAHY):

S. 895. A bill to amend the Elementary and Secondary Education Act of 1965 to invest in innovation for education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mr. UDALL of New Mexico, and Mr. BEGICH):

S. 896. A bill to amend the Public Land Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service; to the Committee on Energy and Natural Resources.

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

S. 897. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects and acid mine remediation programs; to the Committee on Energy and Natural Resources.

By Mr. CARDIN:

S. 898. A bill to amend title 23, United States Code, to direct the Secretary to establish a comprehensive design standard program to prevent, control, and treat pollulted stormwater runoff from federally funded highways and roads, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CARDIN (for himself, Ms. LANDRIEU, Ms. MIKULSKI, Mr. MERKLEY, and Mrs. HAGAN):

S. 899. A bill to provide fo the eradication and control of nutria; to the Committee on Environment and Public Works.

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

S. 900. A bill to authorize the Secretary of Education to award grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TESTER (for himself and Mr. RISCH):

S. 901. A bill to amend the Land and Water Conservation Fund Act of 1965 to ensure that amounts are made available for projects to provide recreational public access, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 902. A bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the repair, renovation, and construction of elementary and secondary schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida (for himself, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 903. A bill to amend the Trade Act of 1974 to create a Citrus Disease Research and Development Trust Fund to support research on diseases impacting the citrus industry, and for other purposes; to the Committee on Finance.

By Mr. HATCH:

S. 904. A bill to improve jobs, opportunity, benefits, and services for unemployed Americans, and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself, Ms. SNOWE, Mr. KOHL, Mr. COCHRAN, Mr. JOHNSON of South Dakota, Mr. BLUMENTHAL, Ms. KLOBUCHAR, and Mrs. GILLIBRAND):

S. 905. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids; to the Committee on Finance.

By Mr. WICKER (for himself, Mr. SHELBY, Mr. BLUNT, Mr. DEMINT, Mr. COATS, Mr. BURR, Mr. ENZI, Mr. COBURN, Mr. VITTER, Mr. RISCH, Mr. BARRASSO, Mr. COCHRAN, Mr. BOOZMAN, Mr. MORAN, Ms. AYOTTE, Mr. JOHANNS, Mr. GRASSLEY, Mr. PAUL, Mr. RUBIO, Mr. INHOFE, Mr. HATCH, Mr. KYL, and Mr. THUNE):

S. 906. A bill to prohibit taxpayer funded abortions and to provide for conscience protections, and for other purposes; to the Committee on Finance.

By Mr. INOUYE:

S. 907. A bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 908. A bill to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon; to the Committee on Indian Affairs.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 909. A bill to amend title 49, United States Code, to permit certain revenues of private providers of public transportation by vanpool received from providing public transportation to be used for the purpose of acquiring rolling stock, and to permit certain expenditures of private vanpool contractors to be credited toward the local matching share of the costs of public transportation projects, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. ENZI (for himself, Mr. BARRASSO, Mr. BAUCUS, Mr. BINGAMAN, Mr. CONRAD, Mr. HATCH, Mr. CRAPO, Mr. INHOFE, Mr. JOHNSON of South Dakota, Ms. MURKOWSKI, Mr. REID, Mr. RISCH, and Mr. ROBERTS):

S. Res. 165. A resolution designating July 23, 2011, as ''National Day of the American Cowboy''; to the Committee on the Judiciary.

By Mr. JOHANNS (for himself, Mr. BEGICH, and Mr. LAUTENBERG):

S. Res. 166. A resolution commemorating May 8, 2011, as the 66th anniversary of V–E Day, the end of World War II in Europe; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. CORNYN, Mr. REID, Mr. DURBIN, Mr. UDALL of Colorado, and Mr. BENNET):

S. Res. 167. A resolution recognizing the historical significance of the Mexican holiday of Cinco de Mayo; considered and agreed to.

By Mr. LEAHY (for himself, Mr. GRASSLEY, Mr. WHITEHOUSE, Mr. KOHL, Mr. GRAHAM, Mr. SESSIONS, Mr. BROWN of Ohio, Mrs. MURRAY, Mr. KERRY, Mr. TESTER, Ms. LANDRIEU, Ms. MIKULSKI, Mr. BAUCUS, Mr. HATCH, Mr. LEVIN, Ms. KLOBUCHAR, Mr. ROCKEFELLER, Mr. CHAMBLISS, Mr. DURBIN, Mrs. FEINSTEIN, Mr. NELSON of Nebraska, Mr. MENENDEZ, Mrs. BOXER, and Mr. SCHUMER):

S. Res. 168. A resolution commemorating and acknowledging the dedication and sacrifice made by the Federal, State, and local law enforcement officers who have been killed or injured in the line of duty; considered and agreed to.

By Mr. REID:

S. Res. 169. A resolution to authorize testimony, documents and legal representation; considered and agreed to.

By Mr. COCHRAN:

S. Res. 170. A resolution honoring Admiral Thad Allen of the United States Coast Guard (Ret.) for his lifetime of selfless commitment and exemplary service to the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. DURBIN, Mr. WYDEN, Mr. CARPER, Mr. SANDERS, Mr. BLUMENTHAL, Mr. COONS, and Mr. MERKLEY):

S. Res. 171. A resolution recognizing and supporting National Train Day on May 7, 2011; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mr. BEGICH, Mrs. BOXER, Mr. BROWN of Ohio, Mr. CRAPO, Mr. JOHNSON of South Dakota, Mr. KIRK, Ms. LANDRIEU, Mr. MORAN, Mr. TESTER, and Mr. CASEY):

S. Res. 172. A resolution recognizing the importance of cancer research and the contributions made by scientists and clinicians across the United States who are dedicated to finding a cure for cancer, and designating May 2011, as ''National Cancer Research Month''; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COONS (for himself, Mr. WICKER, Mr. ISAKSON, Mr. BOOZMAN, Mr. DURBIN, Mr. INHOFE, Mr. CARDIN, Mr. COCHRAN, Mr. LIEBERMAN, and Mr. MERKLEY):

S. Con. Res. 15. A concurrent resolution supporting the goals and ideals of World Malaria Day, and reaffirming United States leadership and support for efforts to combat malaria as a critical component of the President's Global Health Initiative; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 167

At the request of Mr. INHOFE, his name was added as a cosponsor of S. 167, a bill to amend title 18, United

States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 275

At the request of Mr. LAUTENBERG, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 275, a bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

S. 357

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Mr. CARDIN) 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 Montana (Mr. TESTER) 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. 384

At the request of Mrs. FEINSTEIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 384, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 412

At the request of Mr. LEVIN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 425

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 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. 468

At the request of Mr. MCCONNELL, the name of the Senator from Idaho (Mr. RISCH) 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. 598

At the request of Mrs. FEINSTEIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 598, a bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage.

S. 616

At the request of Mr. SANDERS, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 616, a bill to amend the Elementary and Secondary Education Act of 1965 in order to support the community schools model.

S. 634

At the request of Mr. SCHUMER, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 634, a bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons.

S. 700

At the request of Ms. KLOBUCHAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 701

At the request of Mr. BENNET, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 701, a bill to amend section 1120A(c) of the Elementary and Secondary Education Act of 1965 to assure comparability of opportunity for educationally disadvantaged students.

S. 705

At the request of Mr. CARPER, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 705, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 720

At the request of Mr. THUNE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 720, a bill to repeal the CLASS program.

S. 740

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

S. 758

At the request of Mr. FRANKEN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 758, a bill to establish a Science, Technology, Engineering, and Math (STEM) Master Teacher Corps program.

S. 763

At the request of Mr. LIEBERMAN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 763, a bill to amend the Elementary and Secondary Education Act of 1965 to require the establishment of teacher evaluation programs.

S. 781

At the request of Mr. THUNE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 781, a bill to amend the Clean Air Act to conform the definition of renewable biomass to the definition given the term in the Farm Security and Rural Investment Act of 2002.

S. 815

At the request of Ms. SNOWE, the names of the Senator from Mississippi (Mr. WICKER), the Senator from Missouri (Mr. BLUNT) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. 815, a bill to guarantee that military funerals are conducted with dignity and respect.

S. 844

At the request of Mr. LIEBERMAN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 844, a bill to provide incentives for States and local educational agencies to implement comprehensive reforms and innovative strategies that are designed to lead to significant improvement in outcomes for all students and significant reductions in achievement gaps among subgroups of students, and for other purposes.

S. 868

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 868, a bill to restore the longstanding partnership between the States and the Federal Government in managing the Medicaid program.

S. RES. 133

At the request of Mr. FRANKEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Res. 133, a resolution to require that new war funding be offset.

S. RES. 144

At the request of Mrs. HUTCHISON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 144, a resolution supporting early detection for breast cancer.

S. RES. 153

At the request of Mr. LUGAR, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 153, a resolution recognizing the 25th anniversary of the Chernobyl nuclear disaster.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (for himself, Mr. MANCHIN, Mr. COCHRAN, Mr. WHITEHOUSE, and Ms. STABENOW):

S. 889. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Mother's Day Centennial Coin Commemorative Coin Act. I am proud to be joined by a bipartisan group of cosponsors including Senators MANCHIN, COCHRAN, STABENOW, and WHITEHOUSE.

With Mother's Day set for Sunday, May 8th, this is a special event for all of West Virginia because this annual tribute to our mothers began in West Virginia. In 1908, a West Virginian woman by the name of Anna Jarvis petitioned her local church to declare May 9th as Mother's Day. She hoped that this holiday would serve as a remembrance for mothers and a reminder for peace. Within a year, all 46 current States held some sort of Mother's Day and a mere 5 years later, Congress and the President declared the second Sunday of May national Mother's Day. The centennial for the national recognition of Mother's Day will occur in 2014, and this bill provides an opportunity to commemorate the centennial of this great holiday and further recognize the millions of American mothers whose essential role in life cannot be overstated.

The legislation I am introducing today would recognize the centennial of Mother's Day by authorizing the Treasury to mint commemorative Mother's Day coins. Profits generated from the sale of these coins would be donated to Susan G. Komen for the Cure and The National Osteoporosis Foundation. Susan G. Komen for the Cure has raised nearly $2 billion for breast cancer research since 1982, and the National Osteoporosis Foundation is considered our Nation's leading voluntary health organization.

Each year, more than 200,000 women are diagnosed with breast cancer and nearly 40,000 die of this devastating disease. This legislation not only honors our Nation's mothers, but also helps to raise funds to fight the second most prevalent cancer in women. Thousands of mothers have benefited from the efforts of these organizations and they are well deserving of our support. Therefore, I encourage my colleagues' support for this legislation to honor every mother in our country and to prepare for the upcoming centennial. Celebrating Mother's Day by helping to promote the health of American mothers seems to be a fitting tribute.

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

S. 890. A bill to establish the supplemental fraud fighting account, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am proud to join with Senator GRASSLEY to introduce the Fighting Fraud to Protect Taxpayers Act of 2011. Combating fraud is a vital issue on which Senator GRASSLEY and I have a long track record of working together, and with great success. In these trying economic times, cracking down on the fraud which has harmed so many hard-working Americans is more important than ever. I look forward to working with Senator GRASSLEY, and with Senators from both parties, to quickly pass this crucial legislation.

In the last Congress, one of the first major bills the Senate Judiciary Committee considered, and one of the first bills President Obama signed into law, was the Leahy-Grassley Fraud Enforcement and Recovery Act. That bill gave fraud investigators and prosecutors additional tools and resources to better hold those who commit fraud accountable. We heard about the significant success that has already resulted from the Fraud Enforcement and Recovery Act and other key fraud fighting provisions we championed in a Judiciary Committee hearing earlier this year, but it is clear that our work is not done.

In the past two years, we have learned much more about the scourges of financial fraud, mortgage fraud, government contracting fraud, health care fraud, and oil and gas fraud. I have also been very disturbed by the ongoing reports about inaccurate, forged, or fraudulent documents in the housing foreclosure process. Today's bill reflects the ongoing need to invest in enforcement to better protect hard-working taxpayers from all of these insidious types of fraud.

In the last fiscal year alone, the Department of Justice recovered well over $6 billion through fines, penalties, and recoveries from fraud cases—far more than it costs to investigate and prosecute these matters. The recovery of these vast sums of money demonstrates that investment in fraud enforcement pays for itself many times over.

The Fighting Fraud to Protect Taxpayers Act capitalizes on this rate of return by ensuring that a percentage of money recovered by the Government through fines and penalties in fraud cases and other criminal cases is reinvested in the investigation and prosecution of fraud cases. That means that we can ensure more fraud enforcement, more returns to the government, and more savings to taxpayers, all without spending new taxpayer money.

The bill also makes other modest changes to ensure that prosecutors and investigators have the tools they need to combat fraud. It extends the international money laundering bill statute to tax evasion crimes. This will deter individuals from evading our tax laws by hiding their money overseas. It also protects American consumers from identity theft by strengthening the prohibition against trafficking in passwords and the federal identity theft statute. As more and more business is conducted online, we must ensure that consumers' personal information remains protected.

The Secret Service has responsibility for investigating a variety of complex financial fraud crimes, including identity theft. This bill gives the Secret Service additional tools to conduct critical undercover investigations. Fraud cases are often complex and difficult to prove, so undercover investigations can be a key way to ferret out criminal activity.

In the last Congress, Senator GRASSLEY and I worked together to strengthen the False Claims Act, which empowers whistleblowers to shine a light on fraud and recover stolen tax dollars that would otherwise go undiscovered. These new laws are already paying off. Since January 2009, the Department of Justice has recovered more than $6.8 billion in False Claims Act cases, far more than any other 2-year period. Today's legislation asks the Attorney General to report to Congress on False Claims Act settlements, which will help ensure that the False Claims Act remains a valuable tool for fighting fraud.

Finally, the bill promotes accountability within Government. Along with requiring reporting, it takes modest steps to ensure that the resources already entrusted to the Justice Department are used responsibly by strengthening oversight of the Department's Working Capital Fund.

Major fraud cases take time to investigate and prosecute. The renewed focus on fraud enforcement we have seen from this administration and from Congress will continue to yield significant results. But we must continue to give law enforcement agencies the tools and resources necessary to root out fraud so that they can continue to recoup losses and protect taxpayer funds. Everyday, taxpaying Americans deserve to know that their Government is doing all it can to hold responsible those who commit fraud and to prevent future fraud.

Americans are worried about their budgets at home. We need to protect their investment in their government. Fighting fraud and protecting taxpayer dollars are issues Democrats and Republicans have worked together to address in the past, and in these difficult economic times, we need to continue in that spirit of bipartisanship. I look forward to working with Senator GRASSLEY, the administration, and Senators of both parties to crack down on fraud by passing the Fighting Fraud to Protect Taxpayers Act.

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. 890

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 ''Fighting Fraud to Protect Taxpayers Act of 2011''.

SEC. 2. DEPARTMENT OF JUSTICE WORKING CAPITAL FUND REFORMS.

Section 11013(a) of the 21st Century Department of Justice Appropriations Authorization Act (28 U.S.C. 527 note) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'covered amounts' means—

''(i) the unobligated balances in the debt collection management account; and

''(ii) the unobligated balances in the supplemental fraud fighting account;

''(B) the term 'debt collection management account' means the account established in the Department of Justice Working Capital Fund under paragraph (2);

''(C) the term 'fraud offense' includes—

''(i) an offense under section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1) and an offense under section 104 or 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2 and 78dd–3);

''(ii) a securities fraud offense, as defined in section 3301 of title 18, United States Code;

''(iii) a fraud offense relating to a financial institution or a federally related mortgage loan, as defined in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602), including an offense under section 152, 157, 1004, 1005, 1006, 1007, 1011, or 1014 of title 18, United States Code;

''(iv) an offense involving procurement fraud, including defective pricing, bid rigging, product substitution, misuse of classified or procurement sensitive information, grant fraud, fraud associated with labor mischarging, and fraud involving foreign military sales;

''(v) an offense under the Internal Revenue Code of 1986 involving fraud;

''(vi) an action under subchapter III of chapter 37 of title 31, United States Code (commonly known as the 'False Claims Act'), and an offense under chapter 15 of title 18, United States Code;

''(vii) an offense under section 1029, 1030, or 1031 of title 18, United States Code; and

''(viii) an offense under chapter 63 of title 18, United States Code; and

''(D) the term 'supplemental fraud fighting account' means the supplemental fraud fighting account established in the Department of Justice Working Capital Fund under paragraph (3)(A).

''(2) DEBT COLLECTION MANAGEMENT ACCOUNT.—Notwithstanding'';

(2) by striking ''Such amounts'' and inserting ''Subject to paragraph (4), such amounts''; and

(3) by adding at the end the following:

''(3) SUPPLEMENTAL FRAUD FIGHTING ACCOUNT.—

''(A) ESTABLISHMENT.—There is established as a separate account in the Department of Justice Working Capital Fund established under section 527 of title 28, United States Code, a supplemental fraud fighting account.

''(B) CREDITING OF AMOUNTS.—Notwithstanding section 3302 of title 31, United States Code, or any other statute affecting the crediting of collections, the Attorney General may credit, as an offsetting collection, to the supplemental fraud fighting account up to 0.5 percent of all amounts collected pursuant to civil debt collection litigation activities of the Department of Justice.

''(C) USE OF FUNDS.—

''(i) IN GENERAL.—Subject to clause (ii), the Attorney General may use amounts in the supplemental fraud fighting account for the cost (including equipment, salaries and benefits, travel and training, and interagency task force operations) of the investigation of and conduct of criminal, civil, or administrative proceedings relating to fraud offenses.

''(ii) LIMITATION.—The Attorney General may not use amounts in the supplemental fraud fighting account for the cost of the investigation of or the conduct of criminal, civil, or administrative proceedings relating to—

''(I) an offense under section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1); or

''(II) an offense under section 104 or 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2 and 78dd–3).

''(D) CONDITIONS.—Subject to paragraph (4), amounts in the supplemental fraud fighting account shall remain available until expended and shall be subject to the terms and conditions of the Department of Justice Working Capital Fund.

''(4) MAXIMUM AMOUNT.—

''(A) IN GENERAL.—There are rescinded all covered amounts in excess of $175,000,000 at the end of fiscal year 2012 and the end of each fiscal year thereafter.

''(B) RATIO.—For any rescission under subparagraph (A), the Secretary of the Treasury shall rescind amounts from the debt collection management account and the supplemental fraud fighting account in a ratio of 6 dollars to 1 dollar, respectively.

''(5) ANNUAL REPORT.—Not later than 6 months after the date of enactment of the Taxpayer Protection and Fraud Enforcement Act of 2011, and every year thereafter, the Attorney General shall submit to Congress a report that identifies, for the most recent fiscal year before the date of the report—

''(A) the amount credited to the debt collection management account and the amount credited to the supplemental fraud fighting account from civil debt collection litigation, which shall include, for each account—

''(i) a comprehensive description of the source of the amount credited; and

''(ii) a list the civil actions and settlements from which amounts were collected and credited to the account;

''(B) the amount expended from the debt collection management account for civil debt collection, which shall include a comprehensive description of the use of amounts in the account that identifies the amount expended for—

''(i) paying the costs of processing and tracking civil and criminal debt-collection litigation;

''(ii) financial systems;

''(iii) debt-collection-related personnel expenses;

''(iv) debt-collection-related administrative expenses; and

''(v) debt-collection-related litigation expenses;

''(C) the amounts expended from the supplemental fraud fighting account and the justification for the expenditure of such amounts; and

''(D) the unobligated balance in the debt collection management account and the unobligated balance in the supplemental fraud fighting account at the end of the fiscal year.''.

SEC. 3. REIMBURSEMENT OF COSTS AWARDED IN FALSE CLAIMS ACT PROSECUTIONS.

Section 3729(a)(3) of title 31, United States Code, is amended by adding at the end the following: ''Any costs paid under this paragraph shall be credited to the appropriations accounts of the executive agency from which the funds used for the costs of the civil action were paid.''.

SEC. 4. INTERLOCUTORY APPEALS OF SUPPRESSION OR EXCLUSION OF EVIDENCE.

Section 3731 of title 18, United States Code, is amended in the second undesignated paragraph by inserting ''Attorney General, the Deputy Attorney General, an Assistant Attorney General, or the'' after ''an indictment or information, if the''.

SEC. 5. EXTENSION OF INTERNATIONAL MONEY LAUNDERING STATUTE TO TAX EVASION CRIMES.

Section 1956(a)(2)(A) of title 18, United States Code, is amended—

(1) by striking ''intent to promote—'' and inserting the following: ''intent to—

''(i) promote''; and

(2) by adding at the end the following

''(ii) engage in conduct constituting a violation of section 7201 or 7206 of the Internal Revenue Code of 1986; or''.

SEC. 6. STRENGTHENING THE PROHIBITION AGAINST TRAFFICKING IN PASSWORDS.

Section 1030(a)(6) of title 18, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by inserting ''protected'' before ''computer''; and

(2) by striking '', if—'' and all that follows and inserting ''; or''.

SEC. 7. CLARIFYING VENUE FOR FEDERAL MAIL FRAUD OFFENSES.

(a) IN GENERAL.—Section 3237(a) of title 18, United States Code, is amended in the second undesignated paragraph by adding before the period at the end the following: ''or in any district in which an act in furtherance of the offense is committed''.

(b) SECTION HEADING.—Section 3237 of title 18, United States Code, is amended in the section heading by striking ''**begun**'' and all that follows and inserting ''**taking place in more than one district**''.

(c) TABLE OF SECTIONS.—The table of sections for chapter 211 of title 18, United States Code, is amended by striking the item relating to section 3237 and inserting the following:

''3237. Offenses taking place in more than one district.''.

SEC. 8. EXPANSION OF AUTHORITY OF SECRET SERVICE.

Section 3056 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''641, 656, 657,'' after ''510,''; and

(ii) by striking ''493, 657,'' and inserting ''493,''; and

(B) in paragraph (3), by striking ''federally insured''; and

(2) by adding at the end the following:

''(h)(1) For any undercover investigative operation of the United States Secret Service that is necessary for the detection and prosecution of a crime against the United States, the United States Secret Service may—

''(A) use amounts appropriated for the United States Secret Service, including unobligated balances available from prior fiscal years, to—

''(i) purchase property, buildings, and other facilities and lease space within the United States (including the District of Columbia and the territories and possessions of the United States), without regard to sections 1341 and 3324 of title 31, section 8141 of title 40, and sections 3901, 4501 through 4506, 6301, and 6306(a) of title 41; and

''(ii) establish, acquire, and operate on a commercial basis proprietary corporations and business entities as part of the undercover investigative operation, without regard to sections 9102 and 9103 of title 31;

''(B) deposit in banks and other financial institutions amounts appropriated for the United States Secret Service, including unobligated balances available from prior fiscal years, and the proceeds from the undercover investigative operation, without regard to section 648 of this title and section 3302 of title 31; and

''(C) use the proceeds from the undercover investigative operation to offset necessary and reasonable expenses incurred in the undercover investigative operation, without regard to section 3302 of title 31.

''(2) The authority under paragraph (1) may be exercised only upon a written determination by the Director of the United States Secret Service (in this subsection referred to as the 'Director') that the action being authorized under paragraph (1) is necessary for the conduct of an undercover investigative operation. A determination under this paragraph may continue in effect for the duration of an undercover investigative operation, without fiscal year limitation.

''(3) If the Director authorizes the proceeds from an undercover investigative operation to be used as described in subparagraph (B) or (C) of paragraph (1), as soon as practicable after the proceeds are no longer necessary for the conduct of the undercover investigative operation, the proceeds remaining shall be deposited in the general fund of the Treasury as miscellaneous receipts.

''(4) As early as the Director determines practicable before the date on which a corporation or business entity established or acquired under paragraph (1)(A)(ii) with a net value of more than $50,000 is to be liquidated, sold, or otherwise disposed of, the Director shall notify the Secretary of Homeland Security regarding the circumstances of the corporation or business entity and the liquidation, sale, or other disposition. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the general fund of the Treasury as miscellaneous receipts.

''(5)(A) The Director shall—

''(i) on a quarterly basis, conduct detailed financial audits of closed undercover investigative operations for which a written determination is made under paragraph (2); and

''(ii) submit to the Secretary of Homeland Security a written report of the results of each audit conducted under clause (i).

''(B) On the date on which the budget of the President is submitted under section 1105(a) of title 31 for each year, the Secretary of Homeland Security shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report summarizing the audits conducted under subparagraph (A)(i) relating to the previous fiscal year.''.

SEC. 9. FALSE CLAIMS SETTLEMENTS.

(a) REPORTS BY ATTORNEY GENERAL.—Not later than November 1 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that describes each settlement or compromise of any claim, suit, or other action entered into with the Department of Justice that—

(1) relates to an alleged violation of section 1031 of title 18, United States Code, or section 3729 of title 31, United States Code (including all settlements of alternative remedies); and

(2) results from a claim for damages of more than $100,000.

(b) CONTENTS OF REPORTS.—The description of each settlement or compromise required to be included in an annual report under subsection (a) shall include—

(1) the total amount of the settlement or compromise and the portions of the settlement attributable to violations of various statutory authorities;

(2) the amount of actual damages, or if the amount of actual damages is not available a good faith estimate of the damages, that have been sustained and the minimum and maximum potential civil penalties that may be incurred as a consequence of the conduct of the defendant that is the subject of the settlement or compromise;

(3) the basis for any estimate of damages sustained and the potential civil penalties incurred;

(4) the amount of the settlement that represents damages and the multiplier or percentage of the actual damages used in determining the amount to be paid under the settlement or compromise;

(5) the amount of the settlement that represents civil penalties and the percentage of the maximum potential civil penalty to be paid under the settlement or compromise;

(6) the amount of the settlement that represents criminal fines and a statement of the basis for the fines;

(7) a description of the period during which the matter to which the settlement or compromise relates was pending, including—

(A) the date on which the complaint was originally filed;

(B) a description of the period the matter remained under seal;

(C) the date on which the Department of Justice determined whether to intervene in the case; and

(D) the date on which the settlement or compromise was finalized;

(8) whether a defendant or any division, subsidiary, affiliate, or related entity of a defendant had previously entered into a settlement or compromise relating to section 1031 of title 18, United States Code, or section 3730(b) of title 31, United States Code, and, if so, the date of and amount to be paid under each such settlement or compromise;

(9) whether a defendant or any division, subsidiary, affiliate, or related entity of a defendant—

(A) entered into a corporate integrity agreement relating to the settlement or compromise;

(B) entered into a deferred prosecution agreement or nonprosecution agreement relating to the settlement or compromise; or

(C)(i) previously entered into—

(I) a corporate integrity agreement relating to a settlement or compromise relating to a different violation of section 3730(b) of title 31, United States Code; or

(II) a deferred prosecution agreement or nonprosecution agreement relating to a settlement or compromise relating to a different violation of section 1031 of title 18, United States Code; and

(ii) if the defendant had entered an agreement described in clause (i), whether the agreement applied to the conduct that is the subject of the settlement or compromise described in the report or similar conduct;

(10) for a settlement involving Medicaid, the amounts paid to the Federal Government and to each State participating in the settlement or compromise;

(11) whether civil investigative demands were issued in process of investigating the matter to which the settlement or compromise relates;

(12) for a qui tam action—

(A) the percentage of the settlement amount awarded to the relator; and

(B) whether the relator requested a fairness hearing relating to the percentage received by the relator or the total amount of the settlement;

(13) the extent to which officers of the agency that was the victim of the loss resolved by the settlement or compromise participated in the settlement negotiations; and

(14) the extent to which a relator or counsel for a relators participated in the settlement negotiations.

SEC. 10. AGGRAVATED IDENTITY THEFT AND FRAUD.

(a) IN GENERAL.—Section 1028A of title 18, United States Code, is amended in the section heading by adding ''**and fraud**'' at the end.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by striking the item relating to section 1028A and inserting the following:

''1028A. Aggravated identity theft and fraud.''.

SEC. 11. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH IDENTIFICATION DOCUMENTS, AUTHENTICATION FEATURES, AND INFORMATION.

(a) IN GENERAL.—Section 1028(a)(7) of title 18, United States Code, is amended by inserting ''(including an organization)'' after ''person''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by striking the item relating to section 1028 and inserting the following:

''1028. Fraud and related activity in connection with identification documents, authentication features, and information.''.

By Ms. LANDRIEU:

S. 893. A bill to authorize the Secretary of the Interior to provide financial assistance to the State of Louisiana for a pilot program to develop measures to eradicate or control feral swine and to assess and restore wetlands damaged by feral swine; to the Committee on Environment and Public Works.

Ms. LANDRIEU. Mr. President, I rise today to introduce a bill that will be a critical component in our efforts to recover and rebuild Louisiana's vast coastal wetlands. My bill works to address the threatening problem of coastal wetland deterioration in Louisiana caused by non-native, invasive feral swine populations. Few are aware that the marsh and wetlands along Louisiana's coast comprise some 40 percent of the Nation's total salt marshes. Louisiana's coastline is a national treasure. Yet, this national treasure is disappearing at an alarming rate due to a number of natural and man-made factors, including the destruction of wetlands caused by non-native feral pig populations that are literally eating away the coast.

Louisiana's coastline is an increasingly fragile and finite source of protection. It protects against storm surges, the varied effects of climate change, and it protects the many communities that thrive on the coastal plains of Louisiana. The survival of the affected acreage is crucial not only to the continued existence of my State and the states directly above mine—which will be affected if Louisiana's wetlands continue to deteriorate—but also to our Nation's energy independence and security. Forty percent of America's refining capacity flows from the Gulf Coast to service the rest of our Nation, and if Louisiana's coastline continues to disappear, our Nation's refiners and energy infrastructure will be jeopardized. As such, the loss of our

wetlands threatens not only our teeming wildlife, but also land, lives, energy infrastructure, and navigation.

That is why I rise today to introduce the Feral Swine Eradication and Control Pilot Program Act of 2011, to address the challenges these species pose to our efforts to reverse coastal wetland deterioration.

Every 30 minutes, a portion of Louisiana's coast the size of a football field is converted from healthy marsh into open water. Since 1930, 1.2 million acres have been lost. That is an area roughly the size of Delaware. Scientists predict that Louisiana will lose another 700 square miles of coastal wetlands by 2050. That is an area the size of the greater Washington, D.C. and Baltimore metro areas.

Exacerbating this problem is the irresponsible introduction of the feral hog to Louisiana. This invasive species has caused extensive damage to our natural wildlife habitat. In Louisiana, the wild omnivores compete with native wildlife for food resources; prey on young domestic animals and wildlife; and carry diseases that can affect pets, livestock, wildlife and people. Scientists now believe that the feral hogs are not only imposing enormous damage to the marsh, but are also negatively impacting native freshwater mussels and insects by contributing E. coli to water systems.

According to the Louisiana Department of Wildlife and Fisheries, the wild pig is the most prolific large mammal in North America and given adequate nutrition, its populations in an area can double in just four months.

Louisiana's landscape has already been ravaged by the nutria rodent. In 2002, the first program was created to combat the increasing nutria populations. This program, the Coast-wide Nutria Control Program, CNCP, incentivized trappers to catch nutria in return for monetary compensation. This program has proven successful at decreasing nutria populations and significantly reducing their impact to coastal wetlands.

However, more effort was needed to further reduce the nutria damage to wetlands, both in Louisiana and in other marshy environments, including Maryland's Chesapeake Bay. The Nutria Eradication and Control Act was enacted in 2003 to provide a critical supplement of funding to strengthen the Coast-wide Nutria Control Program. In July of 2009, I joined my friend and colleague Senator CARDIN in introducing the re-authorization of the Nutria Eradication and Control Act. These two measures to combat nutria populations have been instrumental in reducing the nutria damage to Louisiana's wetlands.

Unfortunately, now Louisiana has another pest eroding its marshes and wetlands. Feral swine are listed by the World Conservation Union, IUCN, as one of the top 100 invasive species worldwide. If action is not taken to control the feral swine population, our biologists fear these animals will undo much of the progress Louisiana has made in controlling the nutria population. It is my hope that with the help of my colleagues, we can pass this bill to help eradicate these pests from our vanishing coastline once and for all.

For these reasons, it is imperative that we control the feral swine in Louisiana. As such, the bill I am introducing today authorizes the Secretary of the Interior to allocate funding to create a pilot program modeled off of the Nutria Eradication and Control Act. This program will assess the nature and extent of damage to the wetlands in Louisiana and develop methods to eradicate or control the feral swine population, and restore the coastal areas damaged by this invasive species. It is a small program, but the benefits are potentially vast. It is my hope that by creating this program, we can achieve similar success at combating feral hogs as we have had at controlling nutria populations.

It is for all of these reasons that this legislation is crucial. I ask that my colleagues support its prompt passage.

By Mrs. MURRAY (for herself, Mr. BURR, Mr. ROCKEFELLER, Mr. AKAKA, Mr. SANDERS, Mr. BROWN of Ohio, Mr. WEBB, Mr. TESTER, Mr. BEGICH, Mr. ISAKSON, Mr. WICKER, Mr. JOHANNS, Mr. BROWN of Massachusetts, Mr. MORAN and Mr. BOOZMAN):

S. 894. A bill to amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. MURRAY. Mr. President, today, as Chairman of the Senate Committee on Veterans' Affairs, I am proud to introduce the Veterans' Compensation Cost-of-Living Adjustment Act of 2011.

Effective December 1, 2011, this measure directs the Secretary of Veterans Affairs to increase the rates of veterans' compensation to keep pace with a rise in the cost-of-living, should an adjustment be prompted by an increase in the Consumer Price Index, CPI. Referred to as the COLA, this important legislation would make an increase available to veterans at the same level as an increase provided to recipients of Social Security benefits.

All of my colleagues on the Committee on Veterans' Affairs: Senators BURR, ROCKEFELLER, AKAKA, SANDERS, BROWN of Ohio, WEBB, TESTER, BEGICH, ISAKSON, WICKER, JOHANNS, BROWN of Massachusetts, MORAN, and BOOZMAN join me in introducing this important legislation. I look forward to our continued work together to improve the lives of our Nation's veterans.

Last year, Congress passed, and the President signed into law, Public Law 111–247, which would have increased veterans' compensation rates had there been an increase in the CPI. While there was no cost-of-living increase in 2011 due to a decline in the CPI, the 2012 adjustment was projected to be .9 percent in the President's fisal year 2012 budget submission.

The COLA affects so many important benefits, including veterans' disability compensation and dependency and indemnity compensation for surviving spouses and children. It is projected that over 3.5 million veterans and survivors will receive compensation benefits in fiscal year 2012.

As the daughter of a disabled veteran, I understand the critical nature of these benefits as many recipients depend upon these tax-free payments for their most basic needs, in addition to the needs of their spouses and children. We have an obligation to the men and women who have sacrificed so much to serve our country and who now deserve nothing less than the full support of a grateful Nation. The COLA brings us one step closer to fulfilling our Nation's promise to care for our brave veterans and their families.

I ask our colleagues to show their continued support for our Nation's veterans by working together to ensure this benefit remains available and is not diminished by the effects of inflation.

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. 894

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 ''Veterans' Compensation Cost-of-Living Adjustment Act of 2011''.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2011, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2011, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described

in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2011, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

(e) PUBLICATION OF ADJUSTED RATES.—The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased under subsection (a), not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2012.

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

S. 897. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain non-coal reclamation projects and acid mine remediation programs; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise to introduce a bill important to public health and safety and the environment. This legislation addresses an interpretation by the Department of the Interior, DOI, which restricts the ability of states to use certain funds under the Abandoned Mine Land, AML, Program authorized by the Surface Mining Control and Reclamation Act, SMCRA, for non-coal abandoned mine reclamation and for the remediation of acid mine drainage. This bill is identical to legislation that was reported by voice vote by the Senate Committee on Energy and Natural Resources last Congress.

Amendments to SMCRA, passed as part of the Tax Relief and Health Care Act of 2006, Pub. L. No. 109–432, reauthorized collection of an AML fee on coal produced in the United States and made certain modifications to the AML program. The amendments also provided that so-called ''make-up'' funds, amounts that had accrued to the states and tribes for several years under the formula in SMCRA but had not been previously appropriated, be paid out to the states and tribes over a period of years as mandatory payments.

Under the AML program, which is administered by DOI, funds are expended to reclaim abandoned mine lands, with top priority for protecting public health, safety, general welfare, and property, and restoration of land and water resources adversely affected by past mining practices. The program is largely directed to abandoned coal mine reclamation, but beginning in 1977 when SMCRA was first enacted, funds have been available pursuant to section 409 to address abandoned non-coal mine sites. A review of the legislative history of this provision and the long-standing administrative interpretation of section 409 reveals that the section is intended to address ''non-coal mine reclamation'' on abandoned mine lands.

Western states such as New Mexico, Colorado, and Utah have prioritized the use of AML funds to undertake the most pressing reclamation work on both abandoned coal and non-coal mine sites. While activities on non-coal mine sites have consumed a relatively insignificant portion of the funding provided for the overall AML program, the results in terms of public health and safety in these states is considerable, and there is significant work yet to be done.

Similarly, the use of AML funds for remediation of acid mine drainage has been important in many areas, especially in the Appalachian states, such as Kentucky, Pennsylvania, and West Virginia. Until enactment of the 2006 amendments to SMCRA, states and tribes with approved AML programs had been able to set aside up to 30 percent of their AML funds for acid mine drainage remediation without respect to time limitations that would otherwise apply.

In 2007, the Solicitor at the Department of the Interior interpreted the amendments as limiting the ability of uncertified states and tribes to use the ''make-up'' AML funds for priority non-coal abandoned mine reclamation and acid mine drainage set-aside programs. See Memorandum Opinion M–37014. The Solicitor found that these make-up funds cannot be used for priority non-coal mine reclamation in the case of states and tribes that had not certified completion of their coal reclamation work and likewise cannot be used for acid mine drainage set-aside programs.

The bill that I am introducing today would correct what I believe is an unfortunate and unintended interpretation of the 2006 amendments by modifying the language of SMCRA to clarify that the funding would be available for non-coal abandoned mine reclamation and acid mine drainage set-aside programs as it was prior to the passage of the amendments in 2006.

I want to underscore that the bill does not increase funding to the states and tribes. It simply clarifies that states and tribes can have flexibility to use AML funds that they receive under existing law for these two important uses, as was the case prior to the 2006 amendments. I hope that my colleagues will support this legislation, which has important implications nationwide.

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. 897

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

SECTION 1. ABANDONED MINE RECLAMATION.

(a) RECLAMATION FEE.—Section 402(g)(6)(A) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)(6)(A)) is amended by inserting ''and section 411(h)(1)'' after ''paragraphs (1) and (5)''.

(b) FILLING VOIDS AND SEALING TUNNELS.—Section 409(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1239(b)) is amended by inserting ''and section 411(h)(1)'' after ''section 402(g)''.

(c) USE OF FUNDS.—Section 411(h)(1)(D)(ii) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(h)(1)(D)(ii)) is amended by striking ''section 403'' and inserting ''section 402(g)(6), 403, or 409''.

By Mr. CARDIN:

S. 898. A bill to amend title 23, United States Code, to direct the Secretary to establish a comprehensive design standard program to prevent, control, and treat polluted stormwater runoff from federally funded highways and roads, and for other purposes; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today I am reintroducing legislation that will help prevent millions of gallons of pollution from entering our Nation's precious water resources. The season we are in makes my legislation particularly timely. Spring is one of the wettest times of year, and with every Spring shower polluted stormwater runoff washes a myriad of chemicals pollutants, sediment, debris, oil and grease, and other contaminates from our nation's roads and highways into our lakes, rivers, streams, bays, and coastal waters.

Stormwater is the Nation's largest source of water pollution. While rain itself contains air pollution particulates that are deposited in every drop, most stormwater pollution is picked up on the surface and carried off as runoff. Stormwater washes contaminants like oil, grease, heavy metals, nutrients, asbestos, sediments, road salts and other de-icing agents, brake dust, and road debris from the millions of miles of America's roads and into storm drains that discharge into nearby waters. Almost all of this polluted stormwater is discharged without any treatment.

When rain falls on these hard, impervious surfaces it often has no where to go but down the channels created by curbs and retaining walls, into storm drains and into the nearest natural water body. According to research compiled by the National Oceanic & Atmospheric Administration's, NOAA, National Geophysical Data Center, the U.S. is covered by more than 112,600 square kilometers of impervious surfaces. That is a space larger than the State of Ohio. With 985,139 miles of Federal aid highways stretching from every corner of the country, polluted highway runoff is no small problem facing our Nation's waters.

The effects of polluted stormwater runoff are real. For example, the Anacostia River—Washington's ''other'' and often forgotten river—can be seen from the Capitol Dome as it flows out of Prince George's County, MD, and into the District and on to its confluence with the Potomac. Runoff from within the 176 square mile watershed of the Anacostia, most of which is in Maryland, but also includes the east side of D.C. and the entire Capitol complex, all makes its way into the Anacostia. The stormwater that enters the Anacostia is extremely polluted from the thousands of acres of road surfaces that cover the watershed, which exacerbates the incidence of combined sewer overflows and has impaired the Anacostia for many years. It is no coincidence that the U.S. Fish & Wildlife Service has found the Anacostia's bottom-feeder catfish to have the highest incidence of liver tumors than any other population of catfish in the country. The cause of the tumors are the high levels of polycyclic aromatic hydrocarbons, a by-product of fuel combustion, that come from vehicle tailpipe emissions and are deposited on the road and in the air and then washed into the river with every shower or thunderstorm.

This is not a problem unique to Maryland or the Chesapeake Bay region, nor is it a problem unique to urban environments as opposed to rural environments. Polluted runoff is a problem that affects any watershed where impervious paved road and highway surfaces have altered the natural hydrology of a watershed. Over time, federal highway policy has come to recognize the drastic impacts highways and surface transportation can have on the environment and on water quality. Title 23 of the U.S. Code states: ''transportation should play a significant role in promoting economic growth, improving the environment, and sustaining the quality of life'' through the use of ''context sensitive solutions.'' The Intermodal Surface Transportation Efficiency Act, ISTEA, authorized using transportation enhancement funds for ''environmental mitigation to address water pollution due to highway runoff.'' It is important to note, however, that this is just one of 12 types of eligible enhancement projects and only 1.1 percent of enhancement project funds have gone toward environmental mitigation projects since 1992.

In 2008, at the request of the House Transportation & Infrastructure Committee, the Government Accountability Office issued a report examining key issues and challenges that need to be addressed in the next reauthorization of the transportation bill. That report highlighted the clear link between transportation policy and the environment. Taking a policy approach to require that the planning, design, and construction of highways are done in an environmentally responsible manner, with an eye toward mitigating the water quality impacts highways have on our Nation's water resources, will help address this issue and better meet our Nation's transportation goals. This legislation also helps advance the October 5, 2009, Executive Order affirming that Federal policy and Federal agencies shall ''conserve and protect water resources through efficiency, reuse, and stormwater management; eliminate waste, recycle, and prevent pollution; and leverage agency acquisitions to foster markets for sustainable technologies and environmentally preferable materials, products and services.''

Over the years, The U.S. Department of Transportation has established design standards for federal-aid highways to improve the performance and safety of our highway infrastructure. These design standard improvements were the result of obvious safety and engineering problems that needed to be addressed. These design standard are essential to ensuring that the Federal Government's investment in transportation infrastructure is resulting in a well-designed, safe and reliable ''product'' for the benefit of the American people.

The same can be said for the need for establishing environmental design standards for Federal-aid highways as a means of protecting water quality. While stormwater runoff from highways may be classified as non-point source pollution, it is unquestionably the source of a wide range of contaminants that impair rivers, lakes, streams and coastal waters; create costly remedial situations; and detract from the value and health of our precious water resources. Requiring Federal-aid highways to meet an environmental standard for protecting water quality will improve the value of the Federal Government's investment in our Nation's highway infrastructure.

The approach my legislation takes to mitigate polluted highway runoff is through the implementation of a design standard, developed by the United States Department of Transportation, requiring the maintenance or restoration of the pre-development hydrology of a federal-aid highway project site. This same approach was made law by the Energy Independence & Security Act of 2007 for the development of new Federal buildings and facilities.

My bill would require that all substantial federal highway projects must be planned and designed ''to ensure that covered projects are sited, constructed and maintained in accordance with design standards intended to protect surface and ground water quality and ensure the long-term management of stormwater originating from Federal-aid highways.'' This would be achieved by approaches that avoid and minimize alteration of natural features and hydrology and maximize the use of onsite pollution control measures using existing terrain and natural features.

My bill also recognizes that geography and other physical characteristics of the land may not always allow on-site treatment of polluted highway runoff. When conditions are impracticable my legislation would allow for an ''appropriate off-site runoff pollution mitigation program'' within the watershed of a Federal-aid highway project site that can protect against the water quality impacts of the project.

The Clean Water Act requires that we protect the waters of the United States. As with most pollution abatement strategies, preventing stormwater pollution is cheaper, more effective, and easier to implement than trying to clean up and remediate the problem after contamination has occurred.

Not addressing stormwater pollution at its source just kicks the proverbial can down the road for someone else to deal with. When water resources are contaminated by polluted highway runoff, mitigating the pollution, which is a preventable discharge in the first place, should not be the responsibility of local goverments, wastewater treatment facilities, or drinking water utilities.

Water pollution has many sources and our nation's highways produce a tremendous volume of contaminated stormwater. Time and time again, experience has taught us that addressing pollution at its source is the most effective means of abating pollution. It is time we applied this principle to our Nation's Federal-aid highways. I urge my colleagues to support my legislation and help move our country closer to meeting the goals of the Clean Water Act and the goals of our national transportation policy.

By Mr. CARDIN (for himself, Ms. LANDRIEU, Ms. MIKULSKI, Mr. MERKLEY, and Mrs. HAGAN):

S. 899. A bill to provide for the eradication and control of nutria; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today I am proud to reintroduce the Nutria Eradication and Control Act of 2011 along with my colleagues, Senator LANDRIEU, Senator MIKULSKI, Senator MERKLEY, and Senator HAGAN. This legislation will build on the successful Nutria Eradication and Control Act of 2003. This program encourages habitat protection, education, research, monitoring, and capacity building to provide for the long-term protection of coastal wetlands from destruction caused by nutria.

Invasive species are one of the largest threats to biodiversity in the United States today. As invasive species go, the nutria is one of the most destructive creatures we have, especially in my home State of Maryland and in Louisiana.

The nutria is a large, semi-aquatic rodent that was originally brought to the United States to bolster the fur trade in the early 20th century. Unfortunately, we underestimated their strong appetite and high reproductive

potential. Since their introduction, the nutria have damaged millions of acres of wetlands and countless miles of shoreline and have even earned a spot among the International Union for Conservation of Nature's list of the world's 100 worst invasive alien species. By the early 1990s, the Chesapeake Bay/Delmarva Peninsula population was estimated to exceed 150,000 animals.

These ''eating machines'' can consume up to 25 percent of their body weight in plants per day, feasting directly on plant roots. This wrecks havoc on our wetlands, turning our once productive lands into barren mud flats. The destruction exacerbates the damaging impacts of ongoing land subsidence and sea level rise.

We understand how important our wetlands are and provide numerous ecosystem services to our society. They provide fish and wildlife habitat, flood protection, erosion control, and water quality preservation.

In my own State of Maryland, nutria invaded the Blackwater National Wildlife Refuge nearly 6 decades ago, destroying vital habitat for native shorebirds, muskrats, and blue crabs. They are responsible for the loss of more than 5,000 acres of wetlands in this refuge alone.

We must remember this has a significant impact on people—people who depend on it for their livelihood and for people who use it for recreation. The loss of Blackwater wetlands, that are vital to the fishery, was estimated to cost Maryland's economy nearly $4 million annually. Millions of Americans spend billions of dollars pursuing their fishing, hunting and wildlife watching activities, which contribute to millions of jobs in industries and businesses that support wildlife-related recreation.

In 2000, Congress established a Federal funding source to develop a successful public-private partnership program to address nutria in Maryland. This financial support has directly led to the successful eradiation of nutria from 150,000 acres of the approximate 400,000 acres of wetland habitats that they infest. The project success is due to strategic planning, permanent and dedicated staff members, and cooperation with private landowners.

In Louisiana, an incentive program is used to encourage trappers to trap nutria. Since the implementation of the program, the damage to coastal wetlands has been reduced from 90,000 to 20,000 acres.

The management techniques developed in Maryland and Louisiana have already been exported to other states like Oregon and Washington to control their own nutria populations and minimize the damage done to their marsh habitats. Healthy wetlands are returning to places where nutria have been removed. But the job is not yet done.

Last Congress, I introduced the Nutria Eradication and Control Act of 2009 to continue and improve the successful nutria eradication program in Maryland and Louisiana and expand it to other significantly impacted states like Oregon and Washington. This bill passed out of the Senate Environment and Public Works Committee in 2009 and had the support of the U.S. Fish and Wildlife Service, the Maryland Department of Natural Resources, the Louisiana Department of Wildlife & Fisheries, and the Nature Conservancy.

Today, I proudly rise again and rededicate myself to passing the Nutria Eradication Control Act of 2011. This bill will authorize the Secretary of the Interior to provide financial assistance to the states of Maryland, Louisiana, Delaware, Oregon, Washington, the Commonwealth of Virginia, and North Carolina to eradicate and control nutria populations and restore nutria-damaged wetlands.

We know how valuable our wetlands are. We know how destructive the nutria is. We know what we can do to stop the nutria and that these programs work. I urge my colleagues to remember that we have a responsibility to be good stewards of the earth and to join me in supporting this bill.

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

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

S. 899

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 ''Nutria Eradication and Control Act of 2011''.

SEC. 2. FINDINGS; PURPOSE.

Section 2 of the Nutria Eradication and Control Act of 2003 (Public Law 108–16; 117 Stat. 621) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''and in Louisiana'' and inserting '', the State of Louisiana, and other coastal States'';

(B) in paragraph (2), by striking ''in Maryland and Louisiana on Federal, State, and private land'' and inserting ''on Federal, State, and private land in the States of Maryland and Louisiana and in other coastal States''; and

(C) by striking paragraphs (3) and (4) and inserting the following:

''(3) This Act authorizes the Maryland Nutria Project, which has successfully eradicated nutria from more than 130,000 acres of Chesapeake Bay wetlands in the State of Maryland and facilitated the creation of voluntary, public-private partnerships and more than 406 cooperative landowner agreements.

''(4) This Act and the Coastal Wetlands Planning, Protection, and Restoration Act (16 U.S.C. 3951 et seq.) authorize the Coastwide Nutria Control Program, which has reduced nutria-impacted wetland acres in the State of Louisiana from 80,000 acres to 23,141 acres.

''(5) The proven techniques developed under this Act that are eradicating nutria in the State of Maryland and reducing the acres of nutria-impacted wetlands in the State of Louisiana should be applied to nutria eradication or control programs in other nutria-infested coastal States''; and

(2) by striking subsection (b) and inserting the following:

''(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide financial assistance to the States of Delaware, Louisiana, Maryland, North Carolina, Oregon, Virginia, and Washington to carry out activities—

''(1) to eradicate or control nutria; and

''(2) to restore nutria damaged wetlands.''.

SEC. 3. DEFINITIONS.

The Nutria Eradication and Control Act of 2003 (Public Law 108–16; 117 Stat. 621) is amended—

(1) by redesignating sections 3 and 4 as sections 4 and 5, respectively; and

(2) by inserting after section 2 the following:

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) COASTAL STATE.—The term 'coastal State' means each of the States of Delaware, Oregon, North Carolina, Virginia, and Washington.

''(2) PROGRAM.—The term 'program' means the nutria eradication program established by section 4(a). ''

''(3) PUBLIC-PRIVATE PARTNERSHIP.—The term 'public-private partnership' means a voluntary, cooperative project undertaken by governmental entities or public officials and affected communities, local citizens, nongovernmental organizations, or other entities or persons in the private sector.'

''(4) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.''.

SEC. 4. NUTRIA ERADICATION PROGRAM.

Section 4 of the Nutria Eradication and Control Act of 2003 (Public Law 108–16; 117 Stat. 621) (as redesignated by section 3) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary may, subject to the availability of appropriations, provide financial assistance to the States of Maryland and Louisiana and the coastal States to implement measures—

''(1) to eradicate or control nutria; and

''(2) to restore wetlands damaged by nutria.'';

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''the State of'' before ''Maryland'';

(B) in paragraph (2), by striking ''other States'' and inserting ''the coastal States''; and

(C) in paragraph (3), by striking ''marshland'' and inserting ''wetlands'';

(3) in subsection (c)—

(A) by striking ''(c) ACTIVITIES'' and inserting ''(c) ACTIVITIES IN THE STATE OF MARYLAND''; and

(B) by inserting '', and updated in March 2009'' before the period at the end;

(4) in subsection (e), by striking ''financial assistance provided by the Secretary under this section'' and inserting ''the amounts made available under subsection (f) to carry out the program''; and

(5) by striking subsection (f) and inserting the following:

''(f) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (e), for each of fiscal years 2012 through 2016, there are authorized to be appropriated to the Secretary to carry out the program such sums as are necessary.''.

SEC. 5. REPORT.

Section 5 of the Nutria Eradication and Control Act of 2003 (Public Law 108–16; 117 Stat. 621) (as redesignated by section 3) is amended—

(1) in paragraph (1), by striking ''2002 document entitled 'Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds'; and'' and inserting ''March 2009 update of the document entitled 'Eradication Strategies for Nutria in the Chesapeake and

Delaware Bay Watersheds' and originally dated March 2002;'';

(2) in paragraph (2)—

(A) by striking ''develop'' and inserting ''continue''; and

(B) by striking the period at the end and inserting ''; and''; and

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

''(3) develop, in cooperation with the State of Delaware Department of Natural Resources and Environmental Control, the State of Virginia Department of Game and Inland Fisheries, the State of Oregon Department of Fish and Wildlife, the State of North Carolina Department of Environment and Natural Resources, and the State of Washington Department of Fish and Wildlife, long-term nutria control or eradication programs, as appropriate, with the objective of—

''(A) significantly reducing and restoring the damage nutria cause to coastal wetlands in the coastal States; and

''(B) promoting voluntary, public-private partnerships to eradicate or control nutria and restoring nutria-damaged wetlands in the coastal States.''.

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

S. 900. A bill to authorize the Secretary of Education to award grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Health, Education, Labor, and Pensions.

Mr. MENENDEZ. Mr. President, I rise today to introduce the Simon Wiesenthal Holocaust Education Assistance Act. This important legislation would provide competitive grants for educational organizations to make Holocaust education more accessible and available throughout this Nation.

I would like to commend my former colleague in the House, Congresswoman MALONEY, for her leadership on this issue. I also want to thank my colleague from New Jersey, Senator LAUTENBERG, for agreeing to be an original cosponsor.

This past Monday, we solemnly commemorated Holocaust Remembrance Day, in memorial of perhaps the greatest crime ever perpetrated against humanity. As we reflect upon the tragedies of the events surrounding the Holocaust, the lives lost, the families destroyed, the potential unfulfilled, we must renew our oath to never forget, so this dark chapter in history will never be repeated.

We must forever remember the approximately six million Jewish men, women and children, as well as millions of others who faced persecution, displacement, and death at the hands of the Nazis. We must remember their stories not just to honor their lives, but more importantly, to educate the next generation about the dangers of intolerance, ignorance, and bigotry. I could not think of a better namesake for this bill, Simon Wiesenthal, who honored the memories of those lost by dedicating his life to bringing those responsible to justice.

Some people might ask why we need to learn more about something that happened over 65 years ago and an entire ocean away. The same critics might argue that anti-Semitism, while terrible, is a relic of the past that will never be repeated. Unfortunately, this is not the case, and we, as a Nation, must not ignore this appalling truth.

Even to this day, we do not have to go half way around the world to find examples of intolerance and hate; rather we can look into our own neighborhoods and communities. According to the FBI, there were 1,376 hate crimes motivated by religious bias in 2009. More than 7 out of 10 of these crimes were perpetrated against Jews because of their religion. In fact, even in my own State of New Jersey, a State of immense diversity, tolerance and understanding, we have seen a number of incidents that tear at the fabric of our society.

In July of 2010, a Rabbi and his 12 year old son were subject to anti-Semitic slurs from an unidentified man in a sedan as they walked towards their synagogue in Edison, NJ.

A few days after, the Edison Police Department investigated a second anti-Semitic incident at a Lexus dealership where eight cars had been vandalized with swastikas.

Last year in Chatham, New Jersey, anti-Semitic leaflets with the words ''Kill Jews'' were littered throughout the town. Local police found the culprit and arrested him. However, Chatham Township Police said they could only charge the offender with littering because he was not apparently targeting an individual.

New Jersey college students at Rutgers University have also experienced this terrible discrimination on numerous occasions. This past fall, when a guest speaker came to present at a Jewish event on campus, he was continually harassed by a large group of students that shouted slurs and disrupted his speech several times. Since then, there has been an escalation of anti-Semitic incidents. One of which included a student event this past January that attempted to exploit the Holocaust and accuse Israel of ethnic cleansing. When students showed up in peaceful protest, they were charged an admission fee, while supporters of the event were admitted for free.

These troubling events do not occur in a vacuum. They are fed by bigotry, hatred, and above all else: ignorance. This ignorance is fueled by provocative, dangerous, and bigoted rhetoric that both threaten the safety and well being of individuals, while also insulting the honor of millions of Jewish people. So called academics seek to rewrite history to minimize and spin the facts surrounding the Holocaust; the government of Iran has waged campaigns not just to rewrite, but to simply erase an inconvenient truth. This is not an academic issue shrouded in intellectualism; Holocaust denial is bald-faced anti-Semitism, rooted in hate, and it has no place in our society.

We cannot sit idly by and hope that time alone will heal these wounds. We must take proactive steps to ensure that our society may properly study and take lessons from the Holocaust. Holocaust education is essential for school children so that we may achieve this goal.

Although some States now require the Holocaust to be taught in public schools, the Simon Wiesenthal Holocaust Education Assistance Act goes further and makes grants available to organizations that instruct students, teachers, and communities about the dangers of hate and the importance of tolerance in our society. This legislation would give educators the appropriate resources and training to teach accurate historical information about the Holocaust and convey the lessons that the Holocaust can teach us today.

However, while much growth and healing have come about in the 66 years since Auschwitz was liberated, there remains a significant barrier that we must break through. After 6 decades, many of our youth may view the Holocaust as an event that occurred in the distant past. Only by proper acknowledgement of the incredible loss of life during the Holocaust, will we ever be able to ensure that such an event never happens again.

It is in our common interest to raise our voices against anti-Semitism and against all hatred and discrimination. Funding accurate educational programs on the Holocaust is a step toward winning this battle.

So as America stands with Israel and all followers of the Jewish faith in condemning anti-Semitism, let us do everything in our power to end discrimination and educate future generations about the danger of hatred and bigotry.

I urge my colleagues to support this legislation.

By Mr. HARKIN:

S. 902. A bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the repair, renovation, and construction of elementary and secondary schools; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, safe, modern, healthy school buildings are essential to creating an environment where students can reach their full academic potential. Today, too many students in the United States, particularly those most at risk of being left behind, attend school in facilities that are old, overcrowded and run-down. The 2009 Infrastructure Report Card compiled by the American Society of Civil Engineers gives public schools a D grade. Too many of our Nation's schools were built over a half century ago, and are not equipped to meet the needs of 21st Century students and teachers. School-facility needs are impacting the preparedness of our children for work in critical fields, such as mathematics and science.

The National Center for Education Statistics reported in 2000 that the Nation's elementary and secondary

schools required approximately $127 billion to repair or upgrade their facilities. A 2008 State-by-State analysis by the American Federation of Teachers found that the Nation's school infrastructure needs total an estimated $255 billion. While the condition of public school buildings is primarily a state and local responsibility, the Federal Government can and should help, especially when it comes to closing disparities between affluent and disadvantaged school districts. The current economic environment makes it exceedingly difficult for States and school districts to renovate and in some cases build new schools to meet this important need.

That is why I am pleased to introduce the School Building Fairness Act. This legislation provides $1 billion to States for competitive matching grants to local educational agencies; LEAs, for school repair, renovation, and construction. In awarding the grants, States must consider poverty, condition of school facilities, capacity, adherence to green building standards, and likelihood of maintenance. I have seen this work in Iowa with the success of the Iowa Demonstration Construction Grant Program, which provided over $121 million in federal assistance to over 300 school districts and leveraged more than $600 million of additional local funding through the matching requirement. I am sure that it will work across the rest of the country. 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. 902

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 ''School Building Fairness Act of 2011''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Providing safe, healthy, and up-to-date public elementary and secondary school facilities is a crucial component of improving student academic performance and retaining high-quality, committed educators.

(2) The 2009 Infrastructure Report Card compiled by the American Society of Civil Engineers gives public schools a D grade.

(3) The National Center for Education Statistics, in 2000, reported that the Nation's elementary and secondary schools required approximately $127,000,000,000 to repair or upgrade facilities.

(4) A State-by-State analysis by the American Federation of Teachers in 2008 concluded that the Nation's school infrastructure needs an estimated $254,600,000,000.

(5) The Department of Education documented in 1998 that the average age of a public elementary or secondary school building was estimated at 42 years old, past the age when schools tend to deteriorate rapidly.

(6) School districts spent more than $304,000,000,000 for public school construction contracts from 1995 through 2004, according to data collected by McGraw-Hill Construction.

(7) According to a 2006 report by the Building Educational Success Together coalition, the per-student investment made in the most affluent school districts to repair or construct schools was nearly double the amount of the per-student investment made in the most disadvantaged school districts.

(8) Since 1998, the Iowa Demonstration Construction Grant Program has provided $121,000,000 in Federal assistance to over 300 school districts for school repair and construction. That Federal investment in school repair and construction has leveraged more than $600,000,000 of additional local funding through a match required by the State government.

(9) Green schools use an average of 33 percent less energy than conventionally built schools, and generate financial savings of about $70 per square foot, according to the 2006 report ''Greening America's Schools: Costs and Benefits''.

SEC. 3. GRANTS FOR SCHOOL REPAIR, RENOVATION, AND CONSTRUCTION.

Part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241 et seq.) is amended by adding at the end the following:

"Subpart 22—School Facilities

"SEC. 5621. GRANTS FOR SCHOOL REPAIR, RENOVATION, AND CONSTRUCTION.

''(a) DEFINITIONS.—In this section:

''(1) CHARTER SCHOOL.—The term 'charter school' has the meaning given the term in section 5210.

''(2) CHPS CRITERIA.—The term 'CHPS Criteria' means the green building rating criteria developed by the Collaborative for High Performance Schools.

''(3) EARLY LEARNING FACILITY.—The term 'early learning facility' means a public facility that—

''(A) serves children who are not yet in kindergarten; and

''(B) is under the jurisdiction of a local educational agency.

''(4) ENERGY STAR.—The term 'Energy Star' means the Energy Star program of the Department of Energy and the Environmental Protection Agency.

''(5) GREEN GLOBES.—The term 'Green Globes' means the Green Building Initiative environmental design and rating system.

''(6) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' has the meaning given the term in section 2102(3)(A).

''(7) LEED GREEN BUILDING RATING SYSTEM.—The term 'LEED Green Building Rating System' means the United States Green Building Council Leadership in Energy and Environmental Design green building rating system.

''(8) PUBLIC SCHOOL FACILITY.—The term 'public school facility' means a public elementary or secondary school facility, including a public charter school facility or an existing facility planned for adaptive reuse as a public charter school facility.

''(9) RURAL LOCAL EDUCATIONAL AGENCY.—The term 'rural local educational agency' means a local educational agency that meets the eligibility requirements under—

''(A) section 6211(b) for participation in the program described in subpart 1 of part B of title VI; or

''(B) section 6221(b) for participation in the program described in subpart 2 of part B of title VI.

''(10) STATE.—The term 'State' means each of the several states of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(b) ALLOCATION OF FUNDS.—

''(1) RESERVATIONS.—From the funds appropriated under subsection (i) for a fiscal year, the Secretary shall reserve 1 percent to provide assistance to the outlying areas and for payments to the Secretary of the Interior to provide assistance to schools funded by the Bureau of Indian Education. Funds allocated under this paragraph shall be reserved by the Secretary for distribution among the outlying areas and the Secretary of the Interior on the basis of their relative need for public elementary school and secondary school repair, renovation, and construction, as determined by the Secretary.

''(2) ALLOCATION TO STATE EDUCATIONAL AGENCIES.—From the funds appropriated under subsection (i) for a fiscal year that are not reserved under paragraph (1) for the fiscal year, the Secretary shall allocate to each State educational agency serving a State an amount that bears the same relation to the funds as the amount the State received under part A of title I for the fiscal year preceding the fiscal year for which the determination is made bears to the amount all States received under such part for such preceding fiscal year, except that no such State educational agency shall receive less than 0.5 percent of the amount allocated under this subsection.

''(c) WITHIN-STATE DISTRIBUTIONS.—

''(1) ADMINISTRATIVE AND OTHER COSTS.—

''(A) STATE EDUCATIONAL AGENCY ADMINISTRATION AND OTHER COSTS.—Except as provided in subparagraph (D), each State educational agency may reserve not more than 1 percent of the State educational agency's allocation under subsection (b) for the purposes of administering the distribution of grants under this subsection and awarding grants under subparagraph (C)(v).

''(B) REQUIRED USES.—The State educational agency shall use a portion of the funds reserved under subparagraph (A)—

''(i) to provide technical assistance to local educational agencies; and

''(ii) to establish or support a State-level database of public school facility inventory, condition, design, and utilization.

''(C) PERMISSIBLE USES.—The State educational agency may use a portion of the funds reserved under subparagraph (A) for—

''(i) developing a statewide public school educational facility master plan;

''(ii) developing policies, procedures, and standards for high-quality, energy efficient public school facilities;

''(iii) supporting interagency collaboration that will lead to broad community use of public school facilities, and school-based services for students served by high-need local educational agencies or rural local educational agencies;

''(iv) helping to defray the cost of issuing State bonds to finance public elementary school and secondary school repair, renovation, and construction; and

''(v) awarding grants to State-operated or State-supported schools, such as a State school for the deaf or for the blind, to enable such schools to carry out school repair, renovation, and construction activities in accordance with subsection (d).

''(D) STATE ENTITY ADMINISTRATION AND OTHER COSTS.—If the State educational agency transfers funds to a State entity described in paragraph (2)(A), the State educational agency shall transfer to such State entity not less than 75 percent of the amount reserved under subparagraph (A) for the purpose of carrying out the activities described in subparagraph (C).

''(2) DISTRIBUTION OF COMPETITIVE SCHOOL REPAIR, RENOVATION, AND CONSTRUCTION GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

''(A) IN GENERAL.—Of the funds allocated to a State educational agency under subsection (b) that are not reserved under paragraph (1), the State educational agency shall distribute 100 percent of such funds to local educational agencies or, if the State educational agency is not responsible for the financing of public

school facilities, the State educational agency shall transfer such funds to the State entity responsible for the financing of public school facilities (referred to in this section as the 'State entity') for distribution by such State entity to local educational agencies in accordance with this paragraph, to be used, consistent with subsection (d), for public elementary school or secondary school repair, renovation, and construction.

''(B) COMPETITIVE GRANTS TO LOCAL EDUCATIONAL AGENCIES.—The State educational agency or State entity shall carry out a program to award grants, on a competitive basis, to local educational agencies for public elementary school or secondary school repair, renovation, and construction. Of the total amount available for distribution to local educational agencies under this paragraph, the State educational agency or State entity, shall, in carrying out the grant competition—

''(i) award to high-need local educational agencies, in the aggregate, not less than an amount which bears the same relationship to such total amount as the aggregate amount such high-need local educational agencies received under part A of title I for the fiscal year preceding the fiscal year for which the determination is made bears to the aggregate amount received for such preceding fiscal year under such part by all local educational agencies in the State;

''(ii) award to rural local educational agencies in the State, in the aggregate, not less than an amount which bears the same relationship to such total amount as the aggregate amount such rural local educational agencies received under part A of title I for the fiscal year preceding the fiscal year for which the determination is made bears to the aggregate amount received for such preceding fiscal year under such part by all local educational agencies in the State; and

''(iii) award the remaining funds to local educational agencies in the State that did not receive a grant award under clause (i) or (ii), including to high-need local educational agencies and rural local educational agencies that did not receive a grant award under clause (i) or (ii).

''(C) CRITERIA FOR AWARDING GRANTS.—In awarding competitive grants under this paragraph, a State educational agency or State entity shall take into account the following criteria:

''(i) PERCENTAGE OF POOR CHILDREN.—The percentage of children served by the local educational agency who are between 5 to 17 years of age, inclusive, and who are from families with incomes below the poverty line.

''(ii) NEED FOR SCHOOL REPAIR, RENOVATION, AND CONSTRUCTION.—The need of a local educational agency for school repair, renovation, and construction, as demonstrated by the condition of the public school facilities of the local educational agency or the local educational agency's need for such facilities.

''(iii) GREEN SCHOOLS.—The extent to which a local educational agency will make use, in the repair, renovation, or construction to be undertaken, of green practices that are certified, verified, or consistent with any applicable provisions of—

''(I) the LEED Green Building Rating System;

''(II) Energy Star;

''(III) the CHPS Criteria;

''(IV) Green Globes; or

''(V) an equivalent program adopted by the State or another jurisdiction with authority over the local educational agency.

''(iv) FISCAL CAPACITY.—The fiscal capacity of a local educational agency to meet the needs of the local educational agency for repair, renovation, and construction of public school facilities without assistance under this section, including the ability of the local educational agency to raise funds through the use of local bonding capacity and otherwise.

''(v) LIKELIHOOD OF MAINTAINING THE FACILITY.—The likelihood that a local educational agency will maintain, in good condition, any public school facility whose repair, renovation, or construction is assisted under this section.

''(vi) CHARTER SCHOOL EQUITABLE ACCESS TO FUNDING.—In the case of a local educational agency that proposes to fund a repair, renovation, or construction project for a public charter school, the extent to which the public charter school lacks access to funding for school repair, renovation, and construction through the financing methods available to other public schools or local educational agencies in the State.

''(D) MATCHING REQUIREMENT.—

''(i) IN GENERAL.—A State educational agency or State entity shall require local educational agencies to match funds awarded under this paragraph.

''(ii) MATCH AMOUNT.—The amount of a match described in clause (i) may be established by using a sliding scale that takes into account the relative poverty of the population served by the local educational agency.

''(d) RULES APPLICABLE TO SCHOOL REPAIR, RENOVATION, AND CONSTRUCTION.—With respect to funds made available under this section that are used for school repair, renovation, and construction, the following rules shall apply:

''(1) PERMISSIBLE USES OF FUNDS.—School repair, renovation, and construction shall be limited to 1 or more of the following:

''(A) Upgrades, repair, construction, or replacement of public elementary school or secondary school building systems or components to improve the quality of education and ensure the health and safety of students and staff, including—

''(i) repairing, replacing, or constructing early learning facilities at public elementary schools (including renovation of existing facilities to serve children under 5 years of age);

''(ii) repairing, replacing, or installing roofs, windows, doors, electrical wiring, plumbing systems, or sewage systems;

''(iii) repairing, replacing, or installing heating, ventilation, or air conditioning systems (including insulation); and

''(iv) bringing such public schools into compliance with fire and safety codes.

''(B) Public school facilities modifications necessary to render public school facilities accessible in order to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

''(C) Improvements to the environmental conditions of public elementary school or secondary school sites, including asbestos abatement or removal, and the reduction or elimination of human exposure to lead-based paint, mold, or mildew.

''(D) Measures designed to reduce or eliminate human exposure to classroom noise and environmental noise pollution.

''(E) Modifications necessary to reduce the consumption of electricity, natural gas, oil, water, coal, or land.

''(F) Upgrades or installations of educational technology infrastructure to ensure that students have access to up-to-date educational technology.

''(G) Measures that will broaden or improve the use of public elementary school or secondary school buildings and grounds by the community in order to improve educational outcomes.

''(2) IMPERMISSIBLE USES OF FUNDS.—No funds received under this section may be used for—

''(A) payment of maintenance costs in connection with any projects constructed in whole or part with Federal funds provided under this section;

''(B) purchase or upgrade of vehicles;

''(C) improvement or construction of stand-alone facilities whose purpose is not the education of children, including central office administration or operations or logistical support facilities;

''(D) purchase of information technology hardware, including computers, monitors, or printers;

''(E) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public; or

''(F) purchase of carbon offsets.

''(3) SUPPLEMENT, NOT SUPPLANT.—A local educational agency or State-operated or State-supported school shall use Federal funds subject to this subsection only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for school repair, renovation, and construction.

''(e) QUALIFIED BIDDERS; COMPETITION.—Each local educational agency that receives funds under subsection (c)(2) shall ensure that, if the local educational agency carries out repair, renovation, or construction through a contract, any such contract process ensures the maximum number of qualified bidders, including small, minority, and women-owned businesses, through full and open competition.

''(f) PUBLIC COMMENT.—Each local educational agency receiving funds under subsection (c)(2)—

''(1) shall provide an opportunity for public comment, and ensure that parents, educators, and all other interested members of the community in which the school to be assisted is located have the opportunity to consult, on the use of the funds received under such subsection;

''(2) shall provide the public with adequate and efficient notice of the opportunity described in paragraph (1) in a widely read and distributed medium; and

''(3) shall provide the opportunity described in paragraph (1) in accordance with any applicable State and local law specifying how the comments may be received and how the comments may be reviewed by any member of the public.

''(g) REPORTING.—

''(1) LOCAL REPORTING.—Each local educational agency receiving funds under subsection (c)(2) shall submit a report to the State educational agency, at such time as the State educational agency may require, describing the use of such funds for school repair, renovation, and construction.

''(2) STATE REPORTING.—Each State educational agency receiving funds under subsection (b) shall submit to the Secretary, at such time as the Secretary may require, a report on the use of funds received under this section and made available to local educational agencies (and, if applicable, to State-operated or State-sponsored schools) for school repair, renovation, and construction.

''(h) REALLOCATION.—If a State educational agency does not apply for an allocation of funds under subsection (b) for a fiscal year, or does not use the State educational agency's entire allocation for such fiscal year, then the Secretary may reallocate the amount of the State educational agency's allocation (or the remainder thereof, as the case may be) for such fiscal year to the remaining State educational agencies in accordance with subsection (b).

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $1,000,000,000 for fiscal year 2012, and such sums as may be necessary for each of fiscal years 2013 through 2016.

''SEC. 5622. NATIONAL CENTER FOR EDUCATION STATISTICS STUDY.

''(a) IN GENERAL.—The National Center for Education Statistics shall conduct a study of the condition of public school facilities in the United States.

''(b) ESTIMATES AND MEASURES.—In conducting the study, the National Center for Education Statistics shall—

''(1) estimate the costs needed to repair and renovate all public elementary schools and secondary schools in the United States to good overall condition; and

''(2) measure recent expenditures of Federal, State, local, and private funds for public elementary school and secondary school repair, renovation, and construction costs in the United States.

''(c) ANALYSIS.—In conducting the study, the National Center for Education Statistics shall examine trends in expenditures of Federal, State, local, and private funds since fiscal year 2001 for repair, renovation, and construction activities for public elementary schools and secondary schools in the United States, including examining the differences between the types of schools assisted, and the types of repair, renovation, and construction activities conducted, with those expenditures.

''(d) REPORT.—The National Center for Education Statistics shall prepare and submit to Congress a report containing the results of the study.

''SEC. 5623. NATIONAL CLEARINGHOUSE FOR EDUCATIONAL FACILITIES.

''(a) IN GENERAL.—From the funds appropriated under subsection (c), the Secretary shall award a grant or contract to maintain a clearinghouse that will collect and disseminate information on effective, best educational practices, and the latest research, regarding the planning, design, financing, construction, improvement, operation, and maintenance of safe, healthy, high-performance school facilities for nursery and prekindergarten, kindergarten through grade 12, and higher education.

''(b) DURATION.—The grant or contract under subsection (a) shall be awarded for a period of 5 years.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,500,000 for each of fiscal years 2012 through 2016.''.

By Mr. HATCH:

S. 904. A bill to improve jobs, opportunity, benefits, and services for unemployed Americans, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to announce the introduction of a bill that, if enacted, would empower the States to more wisely spend the $31 billion in unemployment funds that have been allocated to them for the remainder of this year. This bill will allow states to avoid job-killing unemployment tax hikes while strengthening the safety net program for unemployed workers. I am honored to introduce this legislation simultaneously with a bill being introduced today in the House by The Honorable DAVE CAMP, Chairman of the House Ways and Means Committee.

The Jobs, Opportunity, Benefits and Services Act of 2011, or JOBS Act for short, is just that. A pro jobs bill that goes to the heart of what unemployment benefits are meant to be: not a permanent welfare payment, but a bridge to help unemployed workers until they can find a new job. A hand up, not a hand out. This bill is sorely needed. Since the recession began, 33 States have borrowed $48 billion in Federal funds to pay for unemployment benefits. These loans, if gone unpaid, will result in increased taxes on employers and job creators. Three States already have been forced to do so, and experts predict that 21 additional States will be required to raise taxes on jobs this year if nothing is done.

The JOBS Act allows states the flexibility to manage their unemployment funds to pay benefits, reduce their borrowings, or establish programs to help unemployed workers get jobs. The States can decide for themselves where their greatest needs lie. Under current law, States don't have the flexibility they need to adapt. The Federal Government pays for up to 73 weeks of unemployment, an all-time record. But not every state needs to spend the money the way Washington dictates. For example, North Dakota has only a 3.6 percent rate of unemployment, but the unemployed can collect up to 34 weeks of unemployment paid for with Federal funds, in addition to the normal 26 weeks under pre-recession law. This bill would allow States to more wisely direct those Federal funds.

How does the bill work? The $31 billion in Federal funds already allocated to the States will be advanced to them and will remain available for unemployment benefits or, if the State chooses, some or all can be used to repay their loans in order to avoid raising taxes, or enact programs that will lead to the rapid reemployment of unemployed workers. What this bill will not do is add any new Federal spending or reduce the amount of Federal funds a State is already scheduled to receive for unemployment insurance or mandate that States change the way they use those funds. It is up to the States to decide what is best for them and their citizens based on local conditions. This bill truly is a ''win, win'' for States, workers and the businesses struggling to expand and hire.

I urge all my colleagues to support this legislation.

By Mr. INOUYE:

S. 907. A bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I rise to introduce legislation to restore the 80 percent tax deduction for business meals and entertainment expenses.

By way of background, business meals previously were fully deductible. In 1986, the Congress reduced the allowable tax deduction for business meals and entertainment from 100 percent to 80 percent. In 1993, the deduction was further reduced to its current level of 50 percent. The business meal deduction should be reformed to better reflect the basic principle that business expenses should be fully deductible. Increasing the limitation to 80 percent would better align the provision with these objectives.

More importantly, at a time when the Nation is getting back on stronger economic footing, the legislation is particularly critical especially for the small businesses and self-employed individuals that depend so heavily on the business meal to conduct business. Small companies often use restaurants as ''conference space'' to conduct meetings or close deals. Meals are their best, and sometimes only, marketing tool. Certainly, an increase in the meal and entertainment deduction would have a significant impact on a small business's bottom line.

In addition, the effects on the overall economy would be significant. Research has shown that increasing the business meal deduction to 80 percent would increase business meal sales by over $7 billion and increase the number of jobs by over 200,000. Moreover, restaurants service more than 130 million guests every day. Every dollar spent dining out generates $2.05 in business to other industries, totaling more than $1.7 trillion in overall economic impact.

The impact of the restaurant industry on the Nation's economy is considerable and felt in every State. Accompanying my statement is the National Restaurant Association's, NRA's, State-by-State chart reflecting the estimated economic impact of increasing the business meal deductibility from 50 percent to 80 percent.

I urge my colleagues to join me in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that the text of the bill and a State-by-State chart be printed in the RECORD.

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

S. 907

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

SECTION 1. REPEAL OF REDUCTION IN BUSINESS MEALS AND ENTERTAINMENT TAX DEDUCTION.

(a) IN GENERAL.—Section 274(n)(1) of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by striking ''50 percent'' and inserting ''80 percent''.

(b) CONFORMING AMENDMENT.—Section 274(n) of the Internal Revenue Code of 1986 is amended by striking paragraph (3).

(c) CLERICAL AMENDMENT.—The heading for section 274(n) of the Internal Revenue Code of 1986 is amended by striking ''ONLY 50 PERCENT'' and inserting ''PORTION''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

ESTIMATED IMPACT OF INCREASING BUSINESS MEAL DEDUCTIBILITY FROM 50% TO 80%

State	Increase in business meal spending 50% to 80% deductibility (in millions)	Total economic impact in the State (in millions)	Total employment impact in the State (number of jobs created)
Alabama	$92	$186	2,952
Alaska	19	33	452
Arizona	151	300	3,984
Arkansas	50	101	1,689
California	967	2,267	26,315
Colorado	136	313	3,943
Connecticut	88	165	2,019
Delaware	24	43	499
District of Columbia	39	53	313
Florida	472	957	12,522
Georgia	230	532	6,732
Hawaii	54	104	1,402
Idaho	28	55	933
Illinois	313	744	8,786
Indiana	135	278	4,272
Iowa	51	102	1,669
Kansas	56	112	1,606
Kentucky	90	183	2,618
Louisiana	98	193	2,888
Maine	29	55	848
Maryland	148	307	3,594
Massachusetts	193	388	4,649
Michigan	191	380	5,872
Minnesota	119	272	3,714
Mississippi	50	95	1,630
Missouri	134	298	4,084
Montana	21	40	710
Nebraska	35	73	1,190
Nevada	83	147	1,974
New Hampshire	34	63	784
New Jersey	205	442	4,993
New Mexico	45	82	1,331
New York	482	954	11,251
North Carolina	222	467	6,849
North Dakota	12	22	373
Ohio	252	540	8,081
Oklahoma	74	157	2,491
Oregon	94	194	2,611
Pennsylvania	258	582	7,688
Rhode Island	29	53	706
South Carolina	108	221	3,329
South Dakota	15	30	509
Tennessee	143	322	4,191
Texas	576	1,405	17,036
Utah	50	113	1,682
Vermont	13	22	335
Virginia	200	423	5,312
Washington	157	340	4,160
West Virginia	32	54	950
Wisconsin	107	224	3,629
Wyoming	12	19	346

Source: National Restaurant Association estimates, 2011

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 908. A bill to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon; to the Committee on Indian Affairs.

Mr. WYDEN. Mr. President, today I am pleased to introduce a bill that will address the cumbersome and time consuming process under existing law within the Bureau of Indian Affairs. This piece of legislation will streamline the land acquisition process for the Confederated Tribe of Siletz Indians. The current process for taking land into trust is not working, and I believe there are changes that need to be revived in the existing process. I am pleased to be joined by Senator MERKLEY in this effort.

The original Siletz Coastal Treaty Reservation, established by the Executive Order on November 9, 1955 was diminished and then eliminated by the Federal Government's allotment and termination policies. Tribal members and tribal government have worked to rebuild the Siletz community since the Western Oregon Termination Act of August 1954 stripped the Siletz people of Federal tribal recognition, and since then the tribe has been struggling to rebuild its land base. This legislation would work to facilitate the tribe's land into trust process within the original Siletz coast reservation to overcome the chronic Bureau of Indian Affairs, BIA, delay in processing applications. Instead of having two processes to bring each piece of former reservation land back into the reservation after purchase, one to bring the land into trust, and another, to make it reservation land, allows the tribe to combine the process.

In this case, because the original reservation was disassembled, the tribe terminated and provided a very small land base upon restoration, virtually every tract of land the tribe seeks to place into trust today is considered by BIA pursuant to ''off reservation'' procedures. ''Off reservation'' requests would mean that the ''. . . secretary gives greater scrutiny to the tribe's justification of anticipated benefits . . .''

By applying the on-reservation fee-to-trust criteria for lands within the Siletz Tribe's original reservation, this legislation allows the Tribe to take land into trust that will ultimately provide for vital tribal programs such as housing, government administration, and jobs—for both tribal and county residents. In addition, the bill emphasizes the importance and the intent of the Indian Reorganization Act of 1934—which allows the Secretary of Interior, in his or her discretion, to take land into trust for the benefit of an Indian tribe or of individual Indians. Essentially, reversing the loss of tribal lands and restoring some of the Tribe's original land base by allowing the Tribe to take land into trust under the same provisions as other Indian tribes within their reservations.

This bill underscores the importance of economic stability and self-determination for the confederated tribe of Siletz Indians and its members. Oregon Tribal communities suffer some of the greatest hurdles, whether it is health care, education, or crime on reservations, this bill would alleviate much of the cost and much needed resources associated with the bureaucratic hoops the tribe has had to jump through for years—which mean a significant savings of time and resources.

As a result of the great working relationships, the Siletz Tribe has approached all six involved counties, and obtained their support. This legislation establishes and confirms a positive and beneficial partnership between the Federal Government, Siletz Tribe and local counties Lincoln, Lane, Tillamook, Yamhill, Benton, and Douglas.

That is why I am introducing—the process has not sped up and we recognize the need for more action. It's always great to see Tribes and local counties work together to come up with proactive, inventive solutions for their communities to tackle challenging economic conditions.

I want to express my thanks to all the citizens and community and tribal leaders who have worked to build their communities. They represent the pioneering spirit and vision that defines my state.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 165—DESIGNATING JULY 23, 2011, AS ''NATIONAL DAY OF THE AMERICAN COWBOY''

Mr. ENZI (for himself, Mr. BARRASSO, Mr. BAUCUS, Mr. BINGAMAN, Mr. CONRAD, Mr. HATCH, Mr. CRAPO, Mr. INHOFE, Mr. JOHNSON of South Dakota, Ms. MURKOWSKI, Mr. Reid of Nevada, Mr. RISCH, and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 165

Whereas pioneering men and women, recognized as ''cowboys'', helped establish the American West;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliations;

Whereas the cowboy is an excellent steward of the land and its creatures, who lives off the land and works to protect and enhance the environment;

Whereas cowboy traditions have been a part of the culture of the United States for generations;

Whereas the cowboy continues to be an important part of the economy through the work of many thousands of ranchers across the Nation who contribute to the economic well-being of every State;

Whereas millions of fans watch professional and working ranch rodeo events annually, and rodeo is one of the most-watched sports in the Nation;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of cowboys span every generation and transcend race and gender;

Whereas the cowboy is a central figure in literature, film, and music and occupies a central place in the public imagination;

Whereas the cowboy is an icon in the United States; and

Whereas the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 23, 2011, as ''National Day of the American Cowboy''; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 166—COMMEMORATING MAY 8, 2011, AS THE 66TH ANNIVERSARY OF V-E DAY, THE END OF WORLD WAR II IN EUROPE

Mr. JOHANNS (for himself, Mr. BEGICH, and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 166

Whereas on December 11, 1941, 4 days after the Japanese attack on Pearl Harbor, Germany and Italy declared war on the United States;

Whereas on November 8, 1942, United States and Allied forces began Operation Torch, the invasion of North Africa;

Whereas German and other Axis forces in North Africa surrendered on May 13, 1943;

Whereas in July of 1943, United States and Allied forces landed in Sicily;

Whereas on September 8, 1943, Italy surrendered to United States and Allied forces, although German troops in Italy continued to fight until May of 1945;

Whereas more than 150,000 Allied soldiers landed in France on June 6, 1944, known thereafter as ''D-Day'';

Whereas on August 25, 1944, United States and Allied forces liberated Paris;

Whereas from mid- to late- December, during the Battle of the Bulge, United States troops heroically resisted a major German offensive in Belgium and France;

Whereas United States troops crossed the Rhine River at Remagen on March 7, 1945;

Whereas Germany surrendered unconditionally to the Western Allies at Reims on May 7, 1945, and to the Soviet Union on May 9, 1945, in Berlin;

Whereas during World War II, an estimated 292,000 members of the United States Armed Forces were killed in action and more than 400,000 members of the United States Armed Forces died; and

Whereas United States President Harry S. Truman declared May 8, 1945, ''V-E day'', the end of World War II in Europe, although war with Japan continued until August 14, 1945: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic contribution made by United States veterans of World War II to human liberty and the safety of the United States and its allies;

(2) honors veterans who served in the European Theatre of Operations and elsewhere during World War II;

(3) remembers with gratitude the members of the United States Armed Forces who made the ultimate sacrifice during World War II; and

(4) commemorates May 8, 2011, as the 66th anniversary of V-E Day, the end of World War II in Europe.

SENATE RESOLUTION 167—RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE MEXICAN HOLIDAY OF CINCO DE MAYO

Mr. MENENDEZ (for himself, Mr. CORNYN, Mr. REID of Nevada, Mr. DURBIN, Mr. UDALL of Colorado, and Mr. BENNET) submitted the following resolution; which was considered and agreed to:

S. RES. 167

Whereas May 5, or ''Cinco de Mayo'' in Spanish, is celebrated each year as a date of great importance by the Mexican and Mexican-American communities;

Whereas the Cinco de Mayo holiday commemorates May 5, 1862, the date on which the Battle of Puebla was fought by Mexicans who were struggling for their independence and freedom;

Whereas Cinco de Mayo has become one of the most famous Mexican national holidays and is celebrated annually by nearly all Mexicans and Mexican-Americans, north and south of the United States-Mexico border;

Whereas the Battle of Puebla was but one of the many battles that the courageous Mexican people won in their long and brave struggle for independence and freedom;

Whereas the French, confident that their battle-seasoned troops were far superior to the almost amateurish Mexican forces, expected little or no opposition from the Mexican army;

Whereas the French army, which had not experienced defeat against any of the finest troops of Europe in more than half a century, sustained a disastrous loss at the hands of an outnumbered, ill-equipped, and ragged, but highly spirited and courageous, Mexican force;

Whereas after three bloody assaults on Puebla in which more than a thousand gallant Frenchmen lost their lives, the French troops were finally defeated and driven back by the outnumbered Mexican troops;

Whereas the courageous and heroic spirit that Mexican General Zaragoza and his men displayed during that historic battle can never be forgotten;

Whereas many brave Mexicans willingly gave their lives for the causes of justice and freedom in the Battle of Puebla on Cinco de Mayo;

Whereas the sacrifice of the Mexican fighters was instrumental in keeping Mexico from falling under European domination;

Whereas Cinco de Mayo serves as a reminder that the foundation of the United States is built by people from many nations and diverse cultures who are willing to fight and die for freedom;

Whereas Cinco de Mayo also serves as a reminder of the close ties between the people of Mexico and the people of the United States;

Whereas in a larger sense, Cinco de Mayo symbolizes the right of a free people to self-determination, just as Benito Juarez once said, ''El respeto al derecho ajeno es la paz'' (''The respect of other people's rights is peace''); and

Whereas many people celebrate during the entire week in which Cinco de Mayo falls: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historical struggle for independence and freedom of the people of Mexico; and

(2) calls upon the people of the United States to observe Cinco de Mayo with appropriate ceremonies and activities.

SENATE RESOLUTION 168—COMMEMORATING AND ACKNOWLEDGING THE DEDICATION AND SACRIFICE MADE BY THE FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT OFFICERS WHO HAVE BEEN KILLED OR INJURED IN THE LINE OF DUTY

Mr. LEAHY (for himself, Mr. GRASSLEY, Mr. WHITEHOUSE, Mr. KOHL, Mr. GRAHAM, Mr. SESSIONS, Mr. BROWN of Ohio, Mrs. MURRAY, Mr. KERRY, Mr. TESTER, Ms. LANDRIEU, Ms. MIKULSKI, Mr. BAUCUS, Mr. HATCH, Mr. LEVIN, Ms. KLOBUCHAR, Mr. ROCKEFELLER, Mr. CHAMBLISS, Mr. DURBIN, Mrs. FEINSTEIN, Mr. NELSON of Nebraska, Mr. MENENDEZ, Mrs. BOXER, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 168

Whereas the well-being of all citizens of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 900,000 men and women, at great risk to their personal safety, presently serve their fellow citizens as guardians of the peace;

Whereas peace officers are on the front lines in protecting the schools and schoolchildren of the United States;

Whereas in 2010, 158 peace officers across the United States were killed in the line of duty;

Whereas Congress should strongly support initiatives to reduce violent crime and to increase the factors that contribute to the safety of law enforcement officers;

Whereas there are recorded 18,983 Federal, State, and local law enforcement officers who lost their lives in the line of duty while protecting their fellow citizens, and whose names are engraved upon the National Law Enforcement Officers Memorial in Washington, District of Columbia;

Whereas in 1962, President John F. Kennedy designated May 15 as National Peace Officers Memorial Day; and

Whereas on May 15, 2011, more than 20,000 peace officers are expected to gather in Washington, District of Columbia, to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates and acknowledges the dedication and sacrifices made by the Federal, State, and local law enforcement officers who have been killed or injured in the line of duty;

(2) recognizes May 15, 2011, as ''National Peace Officers Memorial Day''; and

(3) calls on the people of the United States to observe that day with appropriate ceremony, solemnity, appreciation, and respect.

SENATE RESOLUTION 169—TO AUTHORIZE TESTIMONY, DOCUMENTS AND LEGAL REPRESENTATION

Mr. LEAHY submitted the following resolution; which was considered and agreed to:

S. RES. 169

Whereas, in the case of *Social Security Administration v. Charlotte N White*, No. CB–75211–11–0004–T–1, pending before the Merit Systems Protection Board, a subpoena for deposition testimony and document production has been served on Sherae Hunter and a subpoena for deposition testimony has been served on Wes Kungel, both employees in the Office of Senator Mary L. Landrieu;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Sherae Hunter and Wes Kungel are authorized to testify and produce documents in *Social Security Administration v. Charlotte N White*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Sherae Hunter, Wes Kungel,

and any other individual in Senator Landrieu's office in this matter.

SENATE RESOLUTION 170—HONORING ADMIRAL THAD ALLEN OF THE UNITED STATES COAST GUARD (RET.) FOR HIS LIFETIME OF SELFLESS COMMITMENT AND EXEMPLARY SERVICE TO THE UNITED STATES

Mr. COCHRAN submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 170

Whereas Admiral Thad Allen, the 23rd Commandant of the United States Coast Guard, retired from the Coast Guard on June 30, 2010, after 39 distinguished years of service;

Whereas Admiral Allen graduated from the United States Coast Guard Academy in 1971 and served in a number of capacities, including serving as the Principal Federal Official for response and recovery operation for Hurricanes Katrina and Rita, Coast Guard Chief of Staff, and most recently as National Incident Commander for the Deepwater Horizon Disaster in the Gulf of Mexico;

Whereas Admiral Allen commanded with distinction the foremost Coast Guard in the world from 2006 to 2010 and has embodied the Coast Guard's enduring values of honor, respect, and devotion to duty;

Whereas Admiral Allen, during his tenure as Commandant, focused the Coast Guard on modernization and improved readiness in responding to natural disasters;

Whereas Admiral Allen, during his tenure as Commandant, worked to ensure the safety of professional mariners and millions of recreational and commercial vessels, facilitate commerce, protect the ports and maritime infrastructure of the United States from terrorism, conduct humanitarian operations, protect our marine environment, secure United States borders, combat drug trafficking, support anti-piracy efforts, and support Operation Iraqi Freedom and Operation Enduring Freedom;

Whereas Admiral Allen demonstrated the vision and transformational leadership that will provide the United States with a Coast Guard that is not only capable of meeting and exceeding the ever-changing maritime challenges of the United States, but also able to better anticipate future challenges and missions;

Whereas Admiral Allen provided steady leadership in times of crisis;

Whereas as Dwight Eisenhower, the 34th President of the United States once said, "The qualities of a great man are vision, integrity, courage, understanding, the power of articulation, and profundity of character"; and

Whereas as we bid fair winds and following seas to Admiral Allen, it is appropriate that he be remembered as exemplifying such trademark characteristics exhibited by great leaders: Now therefore, be it

Resolved, That the Senate—

(a) recognizes and honors Admiral Thad Allen of the United States Coast Guard (retired), on behalf of a grateful Nation, for his lifetime of selfless commitment and exemplary service; and

(b) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Admiral Thad Allen.

Mr. COCHRAN. Mr. President, I am pleased to submit a resolution today to honor the distinguished 39-year career of ADM Thad Allen, retired Commandant of the U.S. Coast Guard.

Our Nation's first Secretary of the Treasury, Alexander Hamilton, observed that "a few armed vessels, judiciously stationed at the entrance of our ports, might at a small expense be made useful sentinels of the laws." These words inspired the creation of the modern day U.S. Coast Guard. More than 200 years later, the Coast Guard is today dutifully executing its diverse and challenging missions, demonstrating their dual functionality as both a military service and a law enforcement authority.

Despite limited resources and a broadened scope of responsibility, the Coast Guard has risen to the increased challenges it faces. Time and time again, the men and women of the Coast Guard prove the value of their presence and their important role in protecting the public, as well as the environmental, economic, and security interests of the United States.

For almost four decades, Admiral Allen dedicated himself to these missions and capped his career by providing meritorious leadership to our Nation's oldest continuous seagoing service.

Thad Allen was born and raised in Tucson, AZ. His parents were chief damage controlman Clyde Allen and Wilma Allen. After graduating from the U.S. Coast Guard Academy in 1971, he served in a variety of assignments, eventually becoming Commandant. He often refers to himself as the "unlikely admiral."

It has been said before, and I think it is worth repeating: "When times are at their worst, the Coast Guard is at its best." Admiral Allen deserves credit for providing the leadership skills that allowed that statement to remain true during some of the most difficult times for our Nation in recent years.

I came to know Thad Allen in a time of hardship. My home State of Mississippi and other Gulf Coast States had just experienced two of the deadliest hurricanes in our Nation's history in Katrina and Rita. He was the principal Federal official for response and recovery from those natural disasters. I will never forget the destruction we witnessed—homes, schools, and big oak trees that had stood for decades were completely leveled. But through his efforts and those of the brave men and women throughout the Coast Guard, over 33,500 gulf coast residents were rescued from rooftops and flooded homes.

Admiral Allen proved himself to be a man of not just sterling courage, with compassion to match, but also a man of great integrity and an enormous capacity for hard work. He is a direct reflection of the guardian ethos and an inspiration of those who have had the good fortune to work with him.

Admiral Allen will, of course, be the first to say that the brave men and women throughout the ranks of the Coast Guard are the ones who deserve the credit for success. He has made a habit of openly praising their sacrifice and often thankless service.

Today, I am proud to say that my State, due in part to his leadership and those Coast Guard men and women who have served under him, has made a great deal of progress in recovering from the most severe natural disasters in our Nation's history.

As the Coast Guard's motto is "Semper Paratus"—always ready—Admiral Allen is an embodiment of that motto. We do not need to look back too far to find an example, most recently, when the President selected him to serve as national incident commander in the wake of the Deepwater Horizon oilspill in the Gulf of Mexico. Admiral Allen stood ready and provided resolute leadership, overseeing the Federal Government's response efforts and remaining on Active Duty for an additional 3 months past his slated retirement.

In Mississippi, we are grateful for the service and leadership of ADM Thad Allen, which will be long remembered and appreciated. I know the admiral and his family will enjoy the new opportunities that come with retirement, in addition to a well-earned respite from the demands and challenges of his exemplary career in the U.S. Coast Guard.

SENATE RESOLUTION 171—RECOGNIZING AND SUPPORTING NATIONAL TRAIN DAY ON MAY 7, 2011

Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. DURBIN, Mr. WYDEN, Mr. CARPER, Mr. SANDERS, Mr. BLUMENTHAL, Mr. COONS, and Mr. MERKLEY) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 171

Whereas Amtrak was founded on May 1, 1971, bringing together the passenger train operations of 20 separate rail companies;

Whereas Amtrak is celebrating its 40th anniversary of providing passenger rail service to the country;

Whereas Amtrak introduced high-speed Acela Express service, the fastest train in North America, to the Northeast Corridor in 2000;

Whereas Amtrak ridership increased in each of the 17 months between November 2009 and March 2011;

Whereas in 2011, Amtrak will send an "exhibit train" to travel the country with educational exhibits and historical styling to showcase the railroad's history to the public;

Whereas Amtrak trains and infrastructure carry commuters to and from work in congested metropolitan areas, providing a reliable rail option and reducing congestion on roads and in the skies;

Whereas for many rural Americans, Amtrak represents the only major intercity transportation link to the rest of the country;

Whereas passenger trains provide a more fuel-efficient transportation system, cleaner transportation alternatives, and energy security;

Whereas on a per-passenger-mile basis, intercity passenger rail was 25 percent more energy efficient than airplanes and 30 percent more energy efficient than automobiles in 2008;

Whereas Amtrak provided intercity passenger rail travel to 28,700,000 Americans in 46 States during fiscal year 2010;

Whereas community railroad stations are a source of civic pride, a gateway to over 500 of our Nation's communities, and a tool for economic growth;

Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of National Train Day, as designated by Amtrak.

SENATE RESOLUTION 172—RECOGNIZING THE IMPORTANCE OF CANCER RESEARCH AND THE CONTRIBUTIONS MADE BY SCIENTISTS AND CLINICIANS ACROSS THE UNITED STATES WHO ARE DEDICATED TO FINDING A CURE FOR CANCER, AND DESIGNATING MAY 2011, AS ''NATIONAL CANCER RESEARCH MONTH''

Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mr. BEGICH, Mr. BROWN of Ohio, Mr. CRAPO, Mr. JOHNSON of South Dakota, Mr. KIRK, Ms. LANDRIEU, Mr. MORAN, Mr. TESTER, and Mr. CASEY) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 172

Whereas in 2011, cancer remains one of the most pressing public health concerns in the United States, with 1,500,000 Americans expected to be diagnosed with cancer and more than 500,000 expected to die from the disease;

Whereas the term ''cancer'' refers to more than 200 diseases that collectively represent the leading cause of death for Americans under age 85, and the second leading cause of death for Americans overall;

Whereas the national investment in cancer research has yielded substantial returns in research advances and lives saved, with a scholarly estimate that every 1 percent decline in cancer mortality saves the United States economy $500,000,000,000;

Whereas advancements in the understanding of the causes, mechanisms, diagnosis, treatment, and prevention of cancer have led to cures for many types of cancers and have converted other types of cancers into manageable chronic conditions;

Whereas the 5-year survival rate for all cancers has improved during the 30 years prior to the date of approval of this resolution to more than 65 percent, and as of 2011, there are more than 12,000,000 cancer survivors living in the United States;

Whereas partnerships with research scientists and the general public, survivors and patient advocates, philanthropic organizations, industry, and Federal, State, and local governments have led to advanced breakthroughs, early detection tools that have increased survival rates, and a better quality of life for cancer survivors; and

Whereas advances in cancer research have had significant implications for the treatment of other costly diseases such as diabetes, heart disease, Alzheimer's disease, HIV/AIDS, and macular degeneration: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of cancer research and the invaluable contributions of the researchers in the United States and worldwide and who are dedicated to reversing the cancer epidemic;

(2) designates May 2011, as ''National Cancer Research Month''; and

(3) supports efforts to make cancer research a national and international priority so that one day the more than 200 diseases known as cancer are eliminated.

SENATE CONCURRENT RESOLUTION 15—SUPPORTING THE GOALS AND IDEALS OF WORLD MALARIA DAY, AND REAFFIRMING UNITED STATES LEADERSHIP AND SUPPORT FOR EFFORTS TO COMBAT MALARIA AS A CRITICAL COMPONENT OF THE PRESIDENT'S GLOBAL HEALTH INITIATIVE

Mr. COONS (for himself, Mr. WICKER, Mr. ISAKSON, Mr. BOOZMAN, Mr. DURBIN, Mr. INHOFE, Mr. CARDIN, Mr. COCHRAN, Mr. LIEBERMAN, and Mr. MERKLEY) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 15

Whereas April 25th of each year is recognized internationally as World Malaria Day;

Whereas malaria is a leading cause of death and disease in many developing countries, despite being completely preventable and treatable;

Whereas, according to the Centers for Disease Control and Prevention, 35 countries, the majority of them in sub-Saharan Africa, account for 98 percent of global malaria deaths;

Whereas young children and pregnant women are particularly vulnerable and disproportionately affected by malaria;

Whereas malaria greatly affects child health, with estimates that children under the age of 5 account for 85 percent of malaria deaths each year;

Whereas malaria poses great risks to maternal health, causing complications during delivery, anemia, and low birth weights, with estimates that malaria infection causes 400,000 cases of severe maternal anemia and from 75,000 to 200,000 infant deaths annually in sub-Saharan Africa;

Whereas heightened national, regional, and international efforts to prevent and treat malaria over recent years have made measurable progress and have helped save hundreds of thousands of lives;

Whereas the World Health Organization's World Malaria Report 2010 reports that in 2010, more African households (42 percent) owned at least one insecticide-treated mosquito net (ITN), more children under 5 years of age (35 percent) were using an ITN compared to previous years, and household ITN ownership reached more than 50 percent in 19 African countries;

Whereas the World Health Organization's World Malaria Report 2010 further states that a total of 11 countries and one area in the African Region showed a reduction of more than 50 percent in either confirmed malaria cases or malaria admissions and deaths in recent years (Algeria, Botswana, Cape Verde, Eritrea, Madagascar, Namibia, Rwanda, Sao Tome and Principe, South Africa, Swaziland, Zambia, and Zanzibar, United Republic of Tanzania), and that in all countries, the decreases are associated with intense malaria control interventions;

Whereas continued national, regional, and international investment is critical to continue to reduce malaria deaths and to prevent backsliding in those areas where progress has been made;

Whereas the United States Government has played a major leadership role in the recent progress made toward reducing the global burden of malaria, particularly through the President's Malaria Initiative (PMI) and the United States contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria;

Whereas, on World Malaria Day in 2009, President Barack Obama stated, ''The U.S. stands with our global partners and people around the world to reaffirm our commitment to make the U.S. a leader in ending deaths from malaria by 2015. . . It is time to redouble our efforts to rid the world of a disease that does not have to take lives.'';

Whereas, under the Global Health Initiative (GHI), the United States Government is pursuing a comprehensive, whole-of-government approach to global health, focused on helping partner countries to achieve major improvements in overall health outcomes through transformational advances in access to, and the quality of, healthcare services in resource-poor settings; and

Whereas recognizing the burden of malaria on many partner countries, PMI has set the target for 2015 of reducing the burden of malaria by 50 percent for 450,000,000 people, representing 70 percent of the at-risk population in Africa: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of World Malaria Day, including the achievable target of ending malaria deaths by 2015;

(2) recognizes the importance of reducing malaria prevalence and deaths to improve overall child and maternal health, especially in sub-Saharan Africa;

(3) commends the recent progress made toward reducing global malaria deaths and prevalence, particularly through the efforts of the President's Malaria Initiative and the Global Fund to Fight AIDS, Tuberculosis, and Malaria;

(4) welcomes ongoing public-private partnerships to research and develop more effective and affordable tools for malaria diagnosis, treatment, and vaccination;

(5) reaffirms the goals and commitments to combat malaria in the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (Public Law 110–293);

(6) supports continued leadership and investment by the United States in bilateral and multilateral efforts to combat malaria as a critical part of the President's Global Health Initiative; and

(7) encourages other members of the international community to sustain and scale up their support and financial contributions for efforts worldwide to combat malaria.

AMENDMENTS SUBMITTED AND PROPOSED

SA 318. Mr. REID (for Mr. PAUL) proposed an amendment to the resolution S. Res. 158, congratulating the students, parents, teachers, and administrators of charter schools across the United States for ongoing contributions to education, and supporting the ideals and goals of the 12th annual National Charter Schools Week.

TEXT OF AMENDMENTS

SA 318. Mr. REID (for Mr. PAUL) proposed an amendment to the resolution S. Res. 158, congratulating the students, parents, teachers, and administrators of charter schools across the United States for ongoing contributions to education, and supporting the ideals and goals of the 12th annual National Charter Schools Week; as follows:

Strike the 14th whereas clause.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests. The hearing will be held on Wednesday, May 18, 2011, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 220, to provide for the restoration of forest landscapes, protection of old growth forests, and management of national forests in the eastside forests of the State of Oregon;

S. 270, to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon;

S. 271, to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes;

S. 278, to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes;

S. 292, to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act;

S. 322, to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers, and for other purposes;

S. 382, to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes;

S. 427, to withdraw certain land located in Clark County, Nevada, from location, entry, and patent under the mining laws and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials, and for other purposes;

S. 526, to provide for the conveyance of certain Bureau of Land Management land in Mohave County, Arizona, to the Arizona Game and Fish Commission, for use as a public shooting range;

S. 566, to provide for the establishment of the National Volcano Early Warning and Monitoring System;

S. 590, to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands;

S. 607, to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, and for other purposes;

S. 617, to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Te-moak Tribe of Western Shoshone Indians of Nevada, and for other purposes;

S. 683, to provide for the conveyance of certain parcels of land to the town of Mantua, Utah;

S. 684, to provide for the conveyance of certain parcels of land to the town of Alta, Utah;

S. 667, to establish the Rio Grande del Norte National Conservation Area in the State of New Mexico, and for other purposes;

S. 729, to validate final patent number 27–2005–0081, and for other purposes;

S. 766, to provide for the designation of the Devil's Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin Creeks in the State of Oregon as wild rivers, and for other purposes;

S. 896, to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service; and

S. 897, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects.

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 should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to allison_seyferth@energy.senate.gov.

For further information, please contact Scott Miller or Allison Seyferth.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests. The hearing will be held on Wednesday, May 25, 2011, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 233, to withdraw certain Federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws;

S. 375, to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services;

S. 714, to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes; and

S. 730, to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes.

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 should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to allison_seyferth@energy.senate.gov.

For further information, please contact Scott Miller or Allison Seyferth.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. KLOBUCHAR. 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 May 5, 2011, at 10 a.m., to conduct a hearing entitled ''Legislative Proposals in the United States Department of Housing and Urban Development's FY 2012 Budget.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 5, 2011, at 10 a.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. KLOBUCHAR. 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 May 5, 2011, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 5, 2011, at 10 a.m., to conduct a hearing entitled, ''Assessing U.S. Policy and its Limits in Pakistan.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''First, Do Not Harm: Improving Health Quality and Patient Safety'' on May 5, 2011, at 10 a.m., in 430 Dirksen Senate Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on May 5, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled ''Stolen Identities: The Impact of Racist Stereotypes on Indigenous People.''

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

COMMITTEE ON THE JUDICIARY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on May 5, 2011, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY AND INTERGOVERNMENTAL AFFAIRS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery and Intergovernmental Affairs of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 5, 2011, at 10 a.m. to conduct a hearing entitled, ''Understanding the Power of Social Media as a Communication Tool in the Aftermath of Disasters.''

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on May 5, 2011, at 9:45 a.m.

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

SUBCOMMITTEE ON INTERNATIONAL TRADE, CUSTOMS, AND GLOBAL COMPETITIVENESS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Subcommittee on International Trade, Customs, and Global Competitiveness of the Committee on Finance be authorized to meet during the session of the Senate on May 5, 2011, at 2 p.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled ''Enforcing America's Trade Laws in the Face of Customs Fraud and Duty Evasion.''

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

NOTICE: PUBLIC FINANCIAL DISCLOSURE REPORTS

The filing date for the 2010 Public Financial Disclosure reports is Monday, May 16, 2011. Senators, political fund designees and staff members whose salaries exceed 120 percent of the GS–15 pay scale must file reports.

Public Financial Disclosure reports should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510.

The Public Records office will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office.

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

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

EXECUTIVE SESSION

NOMINATION OF JAMES MICHAEL COLE TO BE DEPUTY ATTORNEY GENERAL

Mr. REID. Mr. President, I ask unanimous consent that we proceed to executive session to consider Calendar No. 62.

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

The clerk will report the nomination.

The assistant legislative clerk read the nomination of James Michael Cole, of the District of Columbia, to be Deputy Attorney General.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk. I ask that it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of James Michael Cole, of the District of Columbia, to be Deputy Attorney General.

Harry Reid, Patrick J. Leahy, Herb Kohl, Dianne Feinstein, Al Franken, Christopher A. Coons, Richard Blumenthal, Amy Klobuchar, Sheldon Whitehouse, Sherrod Brown, Mark Udall, Richard J. Durbin, Thomas R. Carper, Bernard Sanders, John D. Rockefeller IV, Jeanne Shaheen, Charles E. Schumer.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume legislative session.

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

MORNING BUSINESS

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

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

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider Calendar No. 61; that there be 3 hours of debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote without intervening action or debate on Calendar No. 61; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any statements be printed in the RECORD; and that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

ADDITION OF CONFEREE—H.R. 658

Mr. REID. Mr. President, I ask unanimous consent that Senator ISAKSON be added as a conferee for the FAA reauthorization bill, H.R. 658.

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

CONGRATULATING THE STUDENTS, PARENTS, TEACHERS, AND ADMINISTRATORS OF CHARTER SCHOOLS

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 158 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 158) congratulating the students, parents, teachers, and administrators of charter schools across the United States for ongoing contributions to education, and supporting the ideals and goals of the 12th annual National Charter Schools Week.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. Mr. President, I rise to make a few brief remarks about the fact that this week we are celebrating National Charter Schools Week in America and in the Senate. I am pleased to join my colleague, LAMAR ALEXANDER, in cosponsoring this resolution, which I hope will be hotlined tonight, and that means passed unanimously without the need to bring it to the floor for debate because there are so many Members of the Senate, both Democrats and Republicans, who recognize the value of high-quality charter schools and the difference they are making in the advancement of education reform and the extraordinary achievements being reached by students and teachers in communities because of them.

I wish to make a brief statement on the Senate floor and then share some interesting and exciting statistics from my own experience in the city of New Orleans, which is the city that has the highest percentage of children in charter schools in America today.

As a parent of two precious and delightful children, I know firsthand the value of a quality education to secure their futures. Many American families are fortunate to live in places where public schools provide engaging and effective instruction and a culture of achievement that inspires students to aim high and thrive. Other families have the financial means to provide their children with a top-notch private school education. The Presiding Officer knows, whether it is in Missouri or Louisiana or Texas or right here in DC, that education can be quite expensive in our top private elementary and secondary schools in our country. Sometimes tuition can reach up to $25,000 a year and beyond. As hard as that might be for some to believe, that is true. Unfortunately, too many Americans are left without either option for their children, and their children are falling through the cracks. This cannot continue if America is going to maintain a leadership role and produce young adults who have the knowledge and skills to compete and win in this new worldwide marketplace.

Fortunately, in a growing number of communities, including several in Louisiana and particularly in New Orleans, there is another exciting option for parents and students: high quality public charter schools.

This week, as I said, we celebrate the 12th annual National Charter School Week. It is a good time to take stock of how successful many charter schools have been and what we can do to replicate them across the country and, more importantly, what we can do to improve them; what we can do to eliminate poor charter schools and strengthen the great ones and make the good ones even better. Charter schools are public schools that receive public funding and serve the same neighborhood students as traditional public schools.

Currently, it may surprise people to know there are over 5,000 charter schools in our country serving more than 1.6 million children. These schools are required to meet the academic student achievement accountability requirements under all of our laws and in the same manner as traditional public schools. However, they differ from traditional public schools in several important ways. Charter schools operate free from many of the district rules and regulations so they have more freedom to innovate, to experiment, to explore, to think outside of the box, to try new approaches. Charter schools have autonomy in areas such as the length of the school day and year, as well as principal and teacher recruitment, selection, and development. With this freedom, however, comes greater accountability for improved student achievement. Unlike public schools in many places, charter schools that aren't successful can actually lose their charter, be forced to close, or be forced to transition to a new model. There are countless examples of high-performing charter schools that are producing impressive results, and they continue to show that our students, including—and most importantly—our low-income and minority students and disadvantaged students can and are rising to great academic heights.

In my home State of Louisiana, there are 90 public charter schools, including 61 in the city of New Orleans, representing almost 72 percent of our city's student population—a higher proportion than any other school system in the United States. The city's Sci Academy is one remarkable example of a successful charter school, and I had the great pleasure to skype with some of their students earlier this morning.

Sci Academy opened in 2008 with 90 ninth graders entering a rigorous and inspiring environment. More than half of the ninth graders who entered Sci Academy's inaugural class had failed State promotional performance tests, and more than 70 percent read well below the ninth grade level. Many of these students had missed a full year of school because of Hurricane Katrina and were significantly behind other students of their age.

Incredibly, that same freshman class later scored 76 percent on our State's test, making it the third most successful high school in New Orleans. The other high schools that beat it out actually had selective enrollment. What is extraordinary about Sci Academy is that it is open enrollment, focusing on the quality of teachers and the quality of teaching. It is remarkable.

Right here in the District of Columbia—and I am proud to have had a hand in the development of this in the District of Columbia as a former chair of a subcommittee and a partner with ELEANOR HOLMES NORTON and others who have worked so hard with the District on its reform efforts—charter schools are an integral part of improving educational outcomes in this city, our Nation's Capital.

Starting with two small campuses in 1996, DC public charter schools now educate almost 40 percent of the school-aged children in the District, and they are serving the highest percentage of low-income and minority students in the city's most economically disadvantaged neighborhoods. DC's public charter schools outperform the city's traditional public schools from the fifth grade up, and they graduate 84 percent of their students—higher than both the city and the national average.

Where quality charter schools exist, parents have real choices, exciting choices, and they are overwhelmingly choosing public charter schools. Many of these schools have long waiting lists. In fact, more than 50 percent of charter schools report having waiting lists, and the total number of students on these waiting lists is enough to fill more than 1,100 average-sized charter schools—quite a number on these waiting lists.

Over the past 17 years, Congress has provided $1.6 billion in funding to the promising charter school movement throughout the country through grants for planning, program design, initial implementation, replication, expansion, dissemination, evaluation, and for improving facilities. Our efforts at the national level are beginning to show real results. Maintaining and increasing where possible funding for charter schools is a winning proposition for parents, for students, for their teachers, for our community, and, may I say, for our Nation, for our workforce of the future, and for our economic security.

Make no mistake. America will only go as far as our collective talent and ability will take her. Our future will continue to be shaped by how well we prepare today's students for tomorrow's challenges. Parents who are doing everything they can to give their children an opportunity for success deserve not only a quality choice but a solution to the challenges of our educational system. Successful charter schools provide that choice, and in many areas they provide the solution. Now it is time to make them a central component of our educational strategy all over the country.

Senator LAMAR ALEXANDER and I are pleased to chair the charter caucus in the Senate, to join with President Obama and Secretary Arne Duncan in a focus on quality education for all children in America. President Obama and Secretary Duncan often say charter schools are one tool, not the only tool, to get us from failing and mediocre public schools to great and exciting public schools in our country that are making a real difference.

I wish to share some extraordinary results that were given to me just this week as I hosted a roundtable with staffers and Senators about the accomplishments of charter schools. This comes from a wonderful group in New Orleans, New Schools for New Orleans,

that is one of the leaders in the charter school movement nationally. They are helping the city of New Orleans and many of our organizations, in partnership with all sorts of funders and philanthropies, and the city of New Orleans, the mayor, and the city council, and others who are so supportive of what is going on. Our universities, I might say, including the University of New Orleans, Tulane University, Dillard, and Xavier have also been on the forefront of this movement as well.

Let me share these results because they are quite extraordinary. This chart shows that in 2005, 62 percent of students in the city of New Orleans—not 15 percent, not 20 percent, but 62 percent—were academically unacceptable. Based on standards set by our State and by the Federal Government, in 2005 basically 62 percent of all the students in New Orleans were failing. They were not up to just basic educational levels in reading and math.

We had a terrible event happen, as many people will remember. In 2005 we had Hurricanes Katrina and Rita and the crashing of our levee system, the failing of our levee system, and 100 of our 146 public schools were virtually destroyed and remain unusable. Through the great efforts of local leaders, State leaders, and Federal leaders, and with FEMA's help and some new, out-of-the-box thinking, we were able to pool the money the Federal Government was going to reimburse each individual school and present one check to the city of New Orleans and the school board and the recovery district, and we have been building a new school system ever since. Charter schools are the foundation of that rebuilding.

It is quite extraordinary that in only 5 years, when you look at the same population, virtually—there have been some families who have not yet come back, but they are on their way; there have been some families who left and are not coming back—it is a population still of a great number of minority students and disadvantaged and lower middle-class students, as well as middle-class and some wealthy students in our public school system, and we have moved from 62 percent unacceptable to only 17 percent unacceptable in 5 years. I do not know of any other group of schools anywhere in the country that has made such remarkable gains. So when people question, do charter schools work, let me say that the evidence is in. Quality charter schools work. In every place they exist, they outperform even their suburban counterparts and in large measure suburban counterpart public schools that are among some of the best.

Many of these charter schools are in rural areas where there is not a lot of opportunity for White, Black, Hispanic, or Asian kids. Some of them are in intercities that do not have the same opportunities.

We, again, have taken 62 percent of our population who were underperforming and now it is only 17 percent.

As it says on this chart, I have in the Chamber, the New Orleans students' test scores demonstrate the first significant improvement in the city's history—a 30-percent increase—and, finally, closing the achievement gap between New Orleans' schools and State schools by more than 50 percent.

A Thomas B. Fordham Institute study ranked 30 major cities on six critical reform categories. New Orleans, I am proud to say, was ranked the No. 1 reform-friendly city in the country, followed by Washington, DC, New York, Denver, and Jacksonville.

But the great news is that there are cities and counties and States waking up to the exciting opportunities of education reform. We know that in America today, it should be unacceptable in some of our communities where 50, 60, 70 percent of our children are failing to get out of high school. We should be ashamed that even when some of our children walk across that stage and get that diploma that signifies they have graduated, they are leaving truly, in many places, without the skills to get the job that will give them a living or saving wage because our schools have been handing out diplomas that are not worth the paper on which they are written. That has to come to an end. That is what we are fighting for. That is what charter schools help us to do.

Now, is it possible for public schools that are not charters to achieve this success? Yes. And that is also happening. But I found in my own experience, trying to work with a system that was unwilling to make too much change, that charter schools provide the kind of competition and spark and challenge to an otherwise system that is run by a monopoly. This provides a diverse set of providers to education. It encourages new kinds of educators to come in as teachers. It gives the schools the freedom they need to make it work for the students who walk through that front door and want so desperately to walk across that stage with a diploma that means something and a future ahead of them.

I am proud to help lead this effort here in the Senate. I thank my colleagues for supporting this effort for the 12th year—a resolution commending high-quality charter schools in America.

Let me say in conclusion that we are not resting on our laurels. I have introduced a bill, along with others. Senator DURBIN and Senator KIRK have introduced a companion bill, if you will. Both bills are in an effort to take the bar even higher, to say to the country: Let's get rid of our low-performing charter schools. Let's focus on strengthening the authorizers of these charter schools. We do not want authorizers out there who are giving out charters to run schools to people who have no idea what they are doing.

We do not want this movement to fail. We want this movement—we know it can be successful. We know it can be a real choice for parents. Think about it. Think about the value of a quality education. If you have to pay for it in the private sector, you are paying $25,000 to $30,000 a year in some of our communities. Maybe you are lucky enough to be in a Catholic school, an Episcopal school, where the tuition is subsidized and you can get the student in and out for $6,000 to $10,000 a year, but for many families with four children or five children, that is out of reach. They cannot possibly afford that. So having quality public schools is essential in every community in our country.

I believe that if we can do this in New Orleans, which is one of the poorest cities—not the poorest, but we struggle, as you know, in the city of New Orleans; we have a very broad demographic population—if we can do it here, trust me, it can be done anywhere with political will and with the support of your State and local governments, and, of course, the Federal Government.

So I am pleased to cosponsor the ALL-STAR bill, which is a grant program for growth and replication of high-quality charter schools, and to have introduced my own bill, the Charter School Quality Act. I am going to be working very closely with Senator HARKIN, who has been open in many ways to these new ideas, and working with him as we authorize the Elementary and Secondary Act, and be reminded of the great success charter schools are having.

Ultimately, we would like to have 100 percent of the public schools in the city of New Orleans be charters, with some of the most exciting charter providers, some of the best in the world operating our schools, challenging our kids, giving parents real choices where they want to send their kids based on the personalities of the children and the desires and dreams of that family. That is really what America is all about—competition, choice, and opportunity. We just are not quite doing enough in this regard in our country today. But perhaps the success of this movement can show us a way forward.

I thank the Presiding Officer, and I hope we can get that resolution adopted without further delay tonight. Again, I wish to congratulate everyone who has worked so hard on making this National Charter School Week a success here in DC, in our Nation's Capital, and around our country.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the amendment to the preamble which is at the desk be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

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

The amendment (No. 318) was agreed to, as follows:

Strike the 14th whereas clause.

The resolution (S. Res. 158) was agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, was agreed to.

S. RES. 158

Whereas charter schools deliver high-quality public education and challenge all students to reach their potential;

Whereas charter schools promote innovation and excellence in public education;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that—

(1) respond to the needs of communities, families, and students in the United States; and

(2) promote the principles of quality, accountability, choice, and innovation;

Whereas in exchange for flexibility and autonomy, charter schools are held accountable by their sponsors for improving student achievement and for the financial and other operations of the charter schools;

Whereas 40 States, the District of Columbia, and Guam have passed laws authorizing charter schools;

Whereas in 2011, close to 5,000 charter schools are serving more than 1,600,000 children;

Whereas in the past 17 fiscal years, Congress has provided a total of more than $2,600,000,000 in financial assistance to the charter school movement through grants for planning, program design, initial implementation, replication, expansion, dissemination, evaluation, and facilities;

Whereas numerous charter schools improve the achievements of students and stimulate improvement in traditional public schools;

Whereas charter schools are required to meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) in the same manner as traditional public schools;

Whereas charter schools often set higher and additional individual goals than the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to ensure that charter schools are of high quality and truly accountable to the public;

Whereas charter schools—

(1) give parents the freedom to choose public schools;

(2) routinely measure parental satisfaction levels; and

(3) must prove their ongoing success to parents, policymakers, and the communities served by the charter schools;

Whereas more than 50 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill more than 1,100 average-sized charter schools;

Whereas the 12th annual National Charter Schools Week is scheduled to be held May 1, through May 7, 2011: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the students, parents, teachers, and administrators of charter schools across the United States for—

(A) ongoing contributions to education;

(B) the impressive strides made in closing the persistent academic achievement gap in the United States; and

(C) improving and strengthening the public school system in the United States;

(2) supports the ideals and goals of the 12th annual National Charter Schools Week, a week-long celebration to be held May 1 through May 7, 2011, in communities throughout the United States; and

(3) encourages the people of the United States to hold appropriate programs, ceremonies, and activities during National Charter Schools Week to demonstrate support for charter schools.

RESOLUTIONS SUBMITTED TODAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the following resolutions which were submitted earlier today: S. Res. 166, 167, 168, and 169.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

S. RES. 168

Mr. LEAHY. Mr. President, I am pleased the Senate has once again passed a resolution commemorating our Nation's law enforcement officers and National Peace Officers Memorial Day. The Senate's official recognition of National Peace Officers Memorial Day is a tradition I am proud to support each year.

In 2010, 158 law enforcement officers died while serving in the line of duty. We honor their memory. Each year, we commemorate the bravery of the many law enforcement officers and peace officers who deserve our thanks and support. National Peace Officers Memorial Day is an opportunity to recommit ourselves to provide them with the tools they need to stay safe and to do their jobs as effectively as they can.

There are more than 900,000 men and women at work protecting our communities, our schools, and our children. They investigate and apprehend the most violent criminals and strive to keep our communities safe and secure. Since the first recorded police death in 1792, the names of 18,983 law enforcement officers who have made the ultimate sacrifice have been added to the National Law Enforcement Officers Memorial.

National Peace Officers Memorial Day provides the people of the United States, in their communities, in their State capitals, and in the Nation's Capital, with the opportunity to honor and reflect on the extraordinary service and sacrifice year after year by those members of our police forces. More than 20,000 peace officers are expected to gather in Washington in the days leading up to May 15 to join with the families of their fallen comrades. It is right that the Senate show its respect on this occasion, and I am proud to honor their service and their memory.

S. RES. 169

Mr. REID. Mr. President, this resolution concerns a request for testimony and documents in an action before the Merit Systems Protection Board brought by the Social Security Administration against an administrative law judge in SSA. Among the matters for which SSA has brought this action against the administrative law judge is conduct by that administrative judge during a visit with staff in the office of Senator LANDRIEU in April 2009.

Counsel for the administrative law judge against whom the action is brought has subpoenaed for deposition two employees of Senator LANDRIEU's office and also sought by subpoena the production of documents from Senator LANDRIEU's office.

Senator LANDRIEU would like to cooperate and make the employees available for depositions. Accordingly, this resolution would authorize Sherae Hunter and Wes Kungel, the subpoenaed employees in Senator LANDRIEU's office, to testify at depositions in this matter. The resolution would also authorize production of relevant documents sought by subpoena, except where a privilege should be asserted, and would authorize representation by the Senate Legal Counsel of the two subpoenaed employees.

Mr. REID. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, that there be no intervening action or debate, and any statements related to these matters be printed in the RECORD.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 166

(Commemorating May 8, 2011, as the 66th anniversary of V-E Day, the end of World War II in Europe)

Whereas on December 11, 1941, 4 days after the Japanese attack on Pearl Harbor, Germany and Italy declared war on the United States;

Whereas on November 8, 1942, United States and Allied forces began Operation Torch, the invasion of North Africa;

Whereas German and other Axis forces in North Africa surrendered on May 13, 1943;

Whereas in July of 1943, United States and Allied forces landed in Sicily;

Whereas on September 8, 1943, Italy surrendered to United States and Allied forces, although German troops in Italy continued to fight until May of 1945;

Whereas more than 150,000 Allied soldiers landed in France on June 6, 1944, known thereafter as ''D-Day'';

Whereas on August 25, 1944, United States and Allied forces liberated Paris;

Whereas from mid- to late- December, during the Battle of the Bulge, United States troops heroically resisted a major German offensive in Belgium and France;

Whereas United States troops crossed the Rhine River at Remagen on March 7, 1945;

Whereas Germany surrendered unconditionally to the Western Allies at Reims on May 7, 1945, and to the Soviet Union on May 9, 1945, in Berlin;

Whereas during World War II, an estimated 292,000 members of the United States Armed Forces were killed in action and more than 400,000 members of the United States Armed Forces died; and

Whereas United States President Harry S. Truman declared May 8, 1945, ''V-E day'', the end of World War II in Europe, although war with Japan continued until August 14, 1945: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic contribution made by United States veterans of World War II to human liberty and the safety of the United States and its allies;

(2) honors veterans who served in the European Theatre of Operations and elsewhere during World War II;

(3) remembers with gratitude the members of the United States Armed Forces who made the ultimate sacrifice during World War II; and

(4) commemorates May 8, 2011, as the 66th anniversary of V-E Day, the end of World War II in Europe.

S. RES. 167

(Recognizing the historical significance of the Mexican holiday of Cinco de Mayo)

Whereas May 5, or ''Cinco de Mayo'' in Spanish, is celebrated each year as a date of great importance by the Mexican and Mexican-American communities;

Whereas the Cinco de Mayo holiday commemorates May 5, 1862, the date on which the Battle of Puebla was fought by Mexicans who were struggling for their independence and freedom;

Whereas Cinco de Mayo has become one of the most famous Mexican national holidays and is celebrated annually by nearly all Mexicans and Mexican-Americans, north and south of the United States-Mexico border;

Whereas the Battle of Puebla was but one of the many battles that the courageous Mexican people won in their long and brave struggle for independence and freedom;

Whereas the French, confident that their battle-seasoned troops were far superior to the almost amateurish Mexican forces, expected little or no opposition from the Mexican army;

Whereas the French army, which had not experienced defeat against any of the finest troops of Europe in more than half a century, sustained a disastrous loss at the hands of an outnumbered, ill-equipped, and ragged, but highly spirited and courageous, Mexican force;

Whereas after three bloody assaults on Puebla in which more than a thousand gallant Frenchmen lost their lives, the French troops were finally defeated and driven back by the outnumbered Mexican troops;

Whereas the courageous and heroic spirit that Mexican General Zaragoza and his men displayed during that historic battle can never be forgotten;

Whereas many brave Mexicans willingly gave their lives for the causes of justice and freedom in the Battle of Puebla on Cinco de Mayo;

Whereas the sacrifice of the Mexican fighters was instrumental in keeping Mexico from falling under European domination;

Whereas Cinco de Mayo serves as a reminder that the foundation of the United States is built by people from many nations and diverse cultures who are willing to fight and die for freedom;

Whereas Cinco de Mayo also serves as a reminder of the close ties between the people of Mexico and the people of the United States;

Whereas in a larger sense, Cinco de Mayo symbolizes the right of a free people to self-determination, just as Benito Juarez once said, ''El respeto al derecho ajeno es la paz'' (''The respect of other people's rights is peace''); and

Whereas many people celebrate during the entire week in which Cinco de Mayo falls: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historical struggle for independence and freedom of the people of Mexico; and

(2) calls upon the people of the United States to observe Cinco de Mayo with appropriate ceremonies and activities.

S. RES. 168

(Commemorating and acknowledging the dedication and sacrifice made by the Federal, State, and local law enforcement officers who have been killed or injured in the line of duty)

Whereas the well-being of all citizens of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 900,000 men and women, at great risk to their personal safety, presently serve their fellow citizens as guardians of the peace;

Whereas peace officers are on the front lines in protecting the schools and schoolchildren of the United States;

Whereas in 2010, 158 peace officers across the United States were killed in the line of duty;

Whereas Congress should strongly support initiatives to reduce violent crime and to increase the factors that contribute to the safety of law enforcement officers;

Whereas there are recorded 18,983 Federal, State, and local law enforcement officers who lost their lives in the line of duty while protecting their fellow citizens, and whose names are engraved upon the National Law Enforcement Officers Memorial in Washington, District of Columbia;

Whereas in 1962, President John F. Kennedy designated May 15 as National Peace Officers Memorial Day; and

Whereas on May 15, 2011, more than 20,000 peace officers are expected to gather in Washington, District of Columbia, to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates and acknowledges the dedication and sacrifices made by the Federal, State, and local law enforcement officers who have been killed or injured in the line of duty;

(2) recognizes May 15, 2011, as ''National Peace Officers Memorial Day''; and

(3) calls on the people of the United States to observe that day with appropriate ceremony, solemnity, appreciation, and respect.

S. RES. 169

(To authorize testimony, documents and legal representation)

Whereas, in the case of *Social Security Administration* v. *Charlotte N. White*, No. CB–75211–11–0004–T–1, pending before the Merit Systems Protection Board, a subpoena for deposition testimony and document production has been served on Sherae Hunter and a subpoena for deposition testimony has been served on Wes Kungel, both employees in the Office of Senator Mary L. Landrieu;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Sherae Hunter and Wes Kungel are authorized to testify and produce documents in *Social Security Administration* v. *Charlotte N. White*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Sherae Hunter, Wes Kungel, and any other individual in Senator Landrieu's office in this matter.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 100–696, appoints and reappoints the following Senators as members of the United States Capitol Preservation Commission: the Honorable RICHARD J. DURBIN of Illinois (reappointment), and the Honorable BEN NELSON of Nebraska (appointment) vice the Honorable MARY L. LANDRIEU of Louisiana.

MEASURE READ THE FIRST TIME—H.R. 3

Mr. REID. Mr. President, I believe there is a bill at the desk due for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3) to prohibit taxpayer funded abortions and to provide conscience protections, and for other purposes.

Mr. REID. I ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read a second time on the next legislative day.

ORDERS FOR MONDAY, MAY 9, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, May 9; 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; that following any leader remarks, the Senate proceed to a period of morning business for debate only until 4:30 p.m., with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate proceed to executive session to consider Executive Calendar No. 62, and there be 1 hour of debate equally divided and controlled in the usual form; that upon the use or yielding back of time, the Senate proceed to vote on the motion to invoke cloture on the nomination.

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

PROGRAM

Mr. REID. Mr. President, my colleague, who is a Member of the House of Representatives, DEAN HELLER, will, on Monday, at 2 o'clock p.m., be sworn in as a Senator representing the State

of Nevada. It will take place in this Chamber at 2 o'clock, as I indicated.

The next rollcall vote will be at 5:30 p.m. on Monday. That vote will be a cloture vote on the nomination of James Cole, to be Deputy Attorney General.

ADJOURNMENT UNTIL MONDAY, MAY 9, 2011, AT 2 P.M.

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.

There being no objection, the Senate, at 5:15 p.m., adjourned until Monday, May 9, 2011, at 2 p.m.