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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

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

Let us pray.

Almighty God, ruler of history and the nations, we praise You, we adore You, we magnify Your holy Name. May Your presence be felt in our midst today, guiding our thoughts and ordering our steps.

Permit the Members of this body to receive a fresh awareness of who You are and what You desire for them to do. Lord, the challenges they face are so great that they need Your wisdom to meet them. Use our Senators this day so that Your will may be done on Earth as it is done in heaven. Let Your peace come to them as they commit their responsibilities to You and then work with Your guidance and grace.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 11, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate will be in a period of morning business until 2 p.m. today. Republicans will control the first 30 minutes and the majority will control the next 30 minutes. Following morning business, the Senate will be in executive session to consider the nomination of Arenda Wright Allen to be U.S. District Judge for the Eastern District of Virginia. So at approximately 3 p.m., we will vote on confirmation of the Allen nomination.

There is a special caucus at the White House this afternoon, so we will close early today. The Republicans will have their meeting at the White House tomorrow.

MEASURE PLACED ON THE CALENDAR—S. 940

Mr. REID. Madam President, S. 940 is at the desk and due for a second reading.

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

The assistant legislative clerk read as follows:

A bill (S. 940) to reduce the Federal budget deficit by closing big oil tax loopholes, and for other purposes.

Mr. REID. Madam President, I object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the measure will be placed on the calendar.

NATIONAL LABOR RELATIONS BOARD

Mr. REID. Madam President, I recognize we are in a partisan environment. In a partisan environment, there is temptation to turn every issue into a political issue. We certainly live in one of those environments today. That is regrettable but far from unfamiliar. Politics play a role in our representative government, of course, and they always have. The Founders created a system of checks and balances—three branches of government, for example, and two Chambers of the Congress—precisely because they anticipated these passions. Our Founding Fathers wanted to keep us from losing our way.

Long after that system was created, a new, independent Federal agency was created in the same spirit of checks and balances. That agency is the National Labor Relations Board and acts as a check on employers and employees alike. It safeguards employees' rights to unionize or not to unionize if they so choose. It mediates allegations of unfair labor practices. It does all this independent of any outside influence.

The Acting General Counsel of the NLRB is a man who is as nonpartisan and as independent as the agency for which he works. Last month, he issued a complaint against one of America's largest companies, Boeing. The complaint alleges that after Boeing workers in some States went on strike, the company retaliated by opening a new production line in a nonunion facility. That kind of retaliation, if that is what happened, is, of course, illegal.

That is just the background. I am not here to judge the merits of the case. In

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

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fact, I am here to do the exact opposite—to remind the Senate that prejudging the case is not our job. That would overstep long-established boundaries and weaken our system of checks and balances. Lately, though, some of our Republican colleagues have attacked the NLRB and have tried to poison the decisionmaking process. They are interfering with the case pending before a legal body. For example, every Republican Senator on the HELP Committee—and let's remind everyone, the ''l'' in HELP stands for ''labor''—sent a letter to the Acting General Counsel defending Boeing. The letter itself, sent 6 weeks before a hearing even takes place, seems questionable at the very best, but these 10 Republicans went further. They went out of their way to link their request to the Acting General Counsel's pending nomination. If there were ever a case of intimidation, that sounds like it to me. But that is not all. Eight State attorneys general—all Republicans—also signed a letter to the Acting General Counsel calling on him to withdraw the complaint against Boeing—again, long before an administrative judge has had the opportunity to even look at the case, let alone review the case.

I strongly encourage all of them to take a step back, my Republican colleagues on the HELP Committee and these attorneys general. We all know Republicans dislike organized labor. We know they disdain unions because unions demand fairness and equality from the big businesses Republicans so often shield at all costs. So let's be honest—Republicans are threatened by unions. They are threatened because when a large organized group is so concerned with workers' rights, the members of that group vote in large numbers. And because Republicans and the big businesses they defend so often try to take away workers' rights, workers don't often vote Republican.

This kind of interference is inappropriate, it is disgraceful and dangerous. We wouldn't allow threats to prosecutors or U.S. attorneys trying to stop them from moving forward with charges they see fit to bring to the courts, and we shouldn't stand for this. It may not be illegal, but it is no better than the retaliation and intimidation that is the fundamental question in this case, and it should stop.

We need agencies such as the NLRB to be able to operate freely and without political pressures. We need to keep our independent agencies independent. This case is for them to decide, not for us to decide.

Would the Chair now announce morning business.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for debate only until 2 p.m., 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 majority leader.

Mr. REID. I note the absence of a quorum, and I ask unanimous consent that the time run equally.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The minority leader.

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

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

RECOGNITION OF THE MINORITY LEADER

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

ENERGY

Mr. MCCONNELL. Madam President, yesterday Democrats unveiled yet another attempt to slow American energy production, this time through a tax hike on American energy. They acknowledge, however, that this will not lower the price of gas, and they are right.

The Congressional Research Service tells us that raising taxes on American energy will do two things: It will increase the price of gas, and it will increase our dependence on foreign competitors. By taxing American energy production, they are also outsourcing American jobs. So let me get this straight: higher gas prices, fewer American jobs, and more dependence on foreign competitors at the expense of American energy? That is their plan? No thank you.

DRAFT EXECUTIVE ORDER

Mr. MCCONNELL. Madam President, I was happy to see the No. 2 Democrat in the House yesterday take a stand against the President's proposed Executive order, a proposal disguised as increased ''transparency,'' which would allow the administration to review a company's political donations before deciding whether to award a Federal contract. That is right; the administration would be able to review a company's political donations before deciding whether to give them a Federal contract.

Here is how he put it: This is the No. 2 Democrat in the House:

> [The] White House plan to require federal contractors to disclose political contributions could politicize the bidding process and undermine its integrity.

Similar efforts have already been rejected by the Supreme Court, the Federal Election Commission, and the Congress during the last session of the Congress. Now there is bipartisan opposition to the administration's Executive order.

The White House is spinning this as ''reform,'' claiming the American people deserve to know how taxpayer money is being used by contractors. However, the proposed Executive order would exclude Democratic allies, including Federal employee labor unions, environmental groups, and, of course, Planned Parenthood.

As I have said, no White House—no White House—should be able to review a contractor's political party affiliation before deciding if they are worthy—worthy—of a government contract. No one should have to worry about whether their political support will determine their ability to get or to keep a Federal contract or to keep a job.

The issuing of contracts by the Federal Government should be based on the contractor's merits, bids, and capabilities. Under no condition—no condition—should political contributions play a role in that decision. However, the White House draft Executive order makes it crystal clear that if a contractor wants to do business with the government—if they want to do business with the government—they cannot contribute to the Republicans.

As Senator COLLINS recently pointed out, this Executive order would basically repeal the Hatch Act and inject politics back into the procurement process. This is simply unacceptable.

Democracy is compromised when individuals and small businesses fear reprisal or expect favor from the Federal Government as a result of their political associations. So the recent press reports about this unprecedented Executive order raise troubling concerns about an effort to silence or intimidate political adversaries' speech through the government contracting system.

The White House still has an opportunity to not go forward with this order, and you can rest assured we will be watching very closely because the proposed effort would represent an outrageous—a truly outrageous—and antidemocratic abuse of executive branch authority.

It is my sincere hope that the recent reports of the draft Executive order were simply the work of a partisan within the administration and not the position taken by the President himself. He should state his position.

Mr. President, we are waiting for your response.

Madam President, I yield the floor.

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

RAISING THE DEBT CEILING

Mr. THUNE. Madam President, since I first came to the Congress back in 1997 as a freshman Member of the House of Representatives, I have been talking about spending and debt and deficits, and that was a key, central element of my campaign for my first election to the House of Representatives way back in the day. Of course, at that time the numbers were a lot less daunting than they are today.

If we just look at even where we were 15 years ago in relative terms, the point at which we find ourselves today is almost overwhelming. The debt now is over $14 trillion. We are being asked to raise the debt ceiling even further. I would argue we can no longer afford to put these hard decisions off because these are serious times and these call for serious solutions and serious leadership. I hope we are up to that task.

For a long time we thought debts and spending and deficits and all those sorts of things could be acceptable up to a certain level, and I suppose to some degree that is true. Historically, if we look at our country in terms of revenue and spending, over time we have consistently had a certain amount of debt that we carried. But I think by any stretch, any American, any economist, anybody who watches this closely has to recognize the situation in which we find ourselves today is unprecedented in American history and cries out for action—immediate action and bold action.

This is something I would argue my constituents are very concerned about—I think all Americans are very concerned about—because, again, if we look at it in relative terms, where we are today—$14 trillion in accumulated debt—and we go back in the annals of history and look at from the formation of this country back in the late 1700s until 1849, our Federal Government spent—if you can imagine this—only about $1 billion over that 60-year time period.

Today, we will borrow $4 billion. Between today at 9:50 a.m. and this time tomorrow at 9:50 a.m., our Federal Government will borrow $4 billion, which, to put that into perspective, suggests we will borrow, in the next 24 hours, more than four times what we spent in our first 60 years as a nation.

Now, in fact, in 1835, under President Andrew Jackson, the government debt—for the only time in our Nation's history—was completely paid off. Since that time, our debts have been large and small, with large runups in the debt during times of war, while the debt largely declined during times of peace. Never, though, did our debt top even 50 percent of our entire economy, of our GDP, until the Great Depression.

At the end of World War II, debt topped 120 percent of GDP. But in the postwar period, debt steadily declined as a percentage of our economy, attributable to a couple factors: One was strong economic growth, and the second was a government that managed to keep spending relatively low.

When we look at the post-World War II time period, and we get into the 1960s and we reach the end of the 1960s, in that time period to 2008—from 1969 to 2008—on average government spending consumed about 20.6 percent of our entire economy while taxes during that time period on average were about 18 percent of our economy. That, in balance, led to a sizable but a manageable national debt. Debt held by the public just before this President took office was $6.3 trillion.

Now, to put it into perspective, during the previous 40 years the budget was balanced on five occasions. So if we look back, in the last 40 years of our Nation's history there were five occasions on which we were able to balance the budget. In each of these years—and those were 1969, 1998, 1999, 2000, and 2001—spending was below the historical average.

In 1969 spending was just 19.4 percent of our GDP. In 1998 it was 19.1 percent of our GDP. In 1999 it was 8.5 percent of GDP. In 2000 and 2001 it was only 18.2 percent of our GDP. So when we look at the years when our budget was balanced, spending averaged just under 18.7 percent of GDP. So what are we set to spend this year? Madam President, 24.3 percent of our GDP—an astonishing 30 percent more than we have spent historically when our budget was balanced. Our debt held by the public at the end of this year will be nearly double what it was when this President took office.

So how did we get to such a high level of spending? Well, to be fair, I think we would have to say some of this is attributable to the economic downturn. Obviously, tax receipts, revenues, are down as a consequence of the economy being in a recession. We also have the ongoing conflicts in Iraq and Afghanistan, which have been expensive and, obviously, have required a large commitment of resources in order to conduct the operations that are necessary for success there. But I would also argue that a substantial chunk is due to the spending spree that Congress has been on since 2008.

Between 2008 and 2010 spending on nondefense discretionary programs went up more than 20 percent even though inflation over that same time period was around 2 percent. When we add in what eventually the bailouts of Fannie Mae and Freddie Mac are going to cost, which will be hundreds of billions of dollars, that adds significantly to the debt. Of course, the stimulus boondoggle cost us over $800 billion in the short term. When we add in the interest costs that are associated with that, it will be over $1 trillion—which was all borrowed, borrowed money, borrowed from our children and grandchildren.

When we look at the percentage, as I said before, of spending $1 trillion, literally, on that one program, that one policy, the stimulus program that went into effect a couple years ago, that is literally a thousand times more than what we spent as a nation in our first 60 years of its existence.

If we look at the projections included in the President's budget, it is revealing that it never balances, and that is due entirely to spending. Spending under the President's budget never falls below 23 percent of our entire economy, of our GDP. After 2015 it grows, and there is not a single year when the spending does not grow as a share of our economy. So we have this constant growth in overall spending as a percentage of our GDP that is way beyond the norm if we look at any sort of historical average.

So when the President submitted his initial budget to the Congress, I think we were all hopeful it would demonstrate an acknowledgement that he gets it; that he understands the dimensions of this problem and how serious our fiscal and financial straits are. But the budget he submitted to Congress a few months ago actually increased spending over the 10-year time period, massively increased the debt, and raised taxes on our small businesses at a time when, as I said earlier, we are hoping to get the economy growing and expanding again, which helps address many of the problems I just mentioned. We cannot have economic growth when we are raising taxes on the job creators in our economy, which is our small businesses.

I would argue the two things that are going to be necessary for us to get our economy back on track and to address this issue of spending and this out-of-control debt are to get spending under control, to make the hard decisions that have been put off for far too long; and, secondly, to put policies in place that will enable and create the conditions for economic growth and job creation.

Well, if we look at what the current administration is doing in terms of policies, what I hear as I travel in my State of South Dakota from small businesses—I hear it from agricultural producers—is that at almost every turn they are facing new regulations, new policies coming out of Washington that do not reduce the cost of doing business but actually increase the cost of doing business and drive down their margins, make it more difficult for them to invest capital, to hire new people, and to get this economy going and expanding again.

There are numerous examples of that. We have a number of agencies that are just issuing, promulgating regulations, pursuing an aggressive agenda, much of which cannot be accomplished in Congress because there are not the votes in the Congress to accomplish much of that agenda. So the administration has decided, by just sort of an executive power grab, to try to accomplish much of that agenda.

Well, as I said before, most of those policies are things that make it more

expensive to do business in this country and are going to make it more difficult for our small businesses to get back on track. I mentioned the tax increases the President has proposed, consistently proposed, not only in the budget he released to Congress several months ago but more recently, a couple weeks back, when he came out with his sort of new improved budget still loaded up with tax increases on small businesses—the very opposite of what we would want to do if we want to encourage small businesses to invest and create jobs.

The economic uncertainty that is created by tax policies which are not permanent, expire in a couple years, the economic uncertainty created by not knowing what the next regulation coming out of Washington, DC, is going to do to their bottom line is creating an anxiety out there among investors and keeping on the sidelines a lot of the capital that otherwise would be put to work and deployed in creating jobs.

So if we look at just a few examples—the EPA is probably the most notable one; that is the one I hear the most about—it does not matter whether I am talking to a small business group or whether I am talking, again, to farmers and ranchers, consistently, they say: These regulations coming out of Washington, DC—and specifically in this case, most of them are referring to policies that are coming out of the EPA—are making it very difficult for us to create jobs, to put people back to work, and to invest, reinvest in our businesses.

So we have these types of regulations that are coming out of these agencies. We also have, as I said, a runup in costs associated with many of the policies the Congress has enacted, the spending and debt issues that have been created by the stimulus bill, the new health care bill, which when it is fully implemented will cost $2.5 trillion or thereabouts, but it is going to pass on lots of new costs to businesses across this country not only in the form of tax increases but also in the form of higher insurance rates which they are going to be looking at.

I think you are going to see a continued period where businesses in this country—small businesses—because of this economic uncertainty, will continue to sit it out and don't do the things that are necessary to get people back to work and to deal with high unemployment. There is also the issue of a depressed economic downturn that will make it more difficult for us to expand the economy and address this issue of increasing revenues at the Federal level, which will help solve the problem we have with the deficit and debt.

Another issue that I think is significant now, but it is always an issue for the people I represent in South Dakota, is high energy costs. The Democratic prescription—the most recent one—is to tax energy companies. If you want to get lower cost energy, one of the things you would not do is raise taxes and make it more costly and expensive for people to do business. If you look at, again, EPA and their attempt to regulate greenhouse gas emissions under the Clean Air Act, which they don't have the authority to do but want to do anyway, has made it more difficult for energy companies to get permits, and a number of projects have been scratched across this country. I can think of a couple in South Dakota.

If you look at the fact that if we continue to get 60 percent of our fuel from outside the United States—we are literally sending $1 billion a day to foreign countries because of our addiction to foreign energy—and if you look at the policies here that we should be implementing if we are interested in getting to be energy independent and produce more American energy, you find a complete contradiction with what the President and his allies in Congress say. They all talk about energy independence, getting away from spending $1 billion a day on foreign oil. Yet, their policies tell another story, because we are limiting even more the amount of area in this country that would be open to energy exploration and production. We have enormous resources in the United States—oil and gas, clean coal, biofuels, and others that we can gain access to.

Right now, we have energy policies that seem more intent on and concerned with some other agenda rather than energy independence. If you are interested in energy independence, I would think you would put policies into place that encourage the production of more American energy. Exactly the opposite is occurring. We have more and more areas that have been taken off limits—public lands. We cannot get to the Outer Continental Shelf. A permatorium is in existence in the South. The North Slope of Alaska has tremendous energy resources. Much of this is off limits, and that will continue to drive us into the arms of foreign countries—many that don't have the best interests of this country in mind and, perhaps even worse, fund organizations that plan attacks against the United States and our allies.

It strikes me at least that if you are serious about getting deficits and debt under control, the one thing you would do is put policies into place that enable small businesses to do what they do best, and that is grow and create jobs. Secondly, you would put constraints on Federal spending in Washington, DC—this issue I mentioned earlier—so that the consistent runup in the amount we spend on our Federal Government as a percentage of GDP will start to not only taper off but come down.

There are a number of suggestions that have been made out there—certainly, perhaps, no perfect one. At least people are taking a legitimate shot at trying to address this issue. There has been a lot of discussion about the Ryan budget that was passed by the House of Representatives. That is already being immediately attacked. Perhaps it is not perfect, but it is a serious effort to control spending.

The only other suggestions we have seen, as I mentioned, are some statements made by the President about his proposals, again, all of which increase taxes, increase spending, and add massively to the Federal debt. It seems to me that we are not having a serious discussion about balancing our budget and paying off our debt, particularly, again, when you put into perspective where we are. Between now and 10 a.m. tomorrow, we will borrow another $4 billion, which, as I said before—I think it bears repeating—is literally four times the amount our entire country spent in the first 60 years of its existence. Again, that is $4 billion between now and this time tomorrow.

We are being requested to raise the debt limit, the amount we can borrow, raise the limits on our credit card in the next few weeks because we are up against that ceiling. We have hit the maximum. We have capped out our ability to borrow money. We are going to be asked to make a vote to increase that borrowing ceiling. I don't think that can occur honestly until such time as we are willing to put into place and take the necessary steps to get this issue of spending under control.

This is, by definition, a spending issue. Some people argue that we need tax increases and additional revenue. The observation I made about balancing the budget was that at the times we did that over the last 40 years—on those five occasions, in every case, we spent less than the average—in some cases significantly less—as a percentage of our GDP.

Clearly, the way to attack this issue is to get spending under control. That will require hard decisions, many of which have been postponed. We have been kicking the can down the road for a long time. We are out of road now. We have come up to the cliff. We cannot kick the can any further. The road is at an end. We are up against some very serious impediments if we don't take the necessary steps to fix the problem.

Again, when I talk about the seriousness of it, over the last few years we have paid lipservice to the issue of spending and debt. I maintain that you have to judge people by what they do and how they vote, not by what they say. We need to debate this issue. As we get into the discussion over raising the debt limit, it creates an opportunity for both sides—Republicans and Democrats—to come together behind a plan that will meaningfully reduce spending in this country, which will deal with entitlement reform, which is needed. We cannot solve this problem in the long term unless we address the issue of entitlement reform and get some limits on spending that will be binding, that we cannot get around.

It is too easy too waive things here and declare an emergency and continue to spend as if there is no tomorrow.

These are serious times. They require serious leadership and serious solutions. That point is no better made than by some of our leaders in this country. As we all know, the chairman of the Joint Chiefs of Staff, ADM Mike Mullen, has said in testimony before Congress that the greatest threat to America's national security is our national debt. I think that is a stunning and powerful statement about where we are and the importance of acting now. We had the former Federal Reserve Chairman, Alan Greenspan, say not too long ago that there is a 50-percent probability that we will face a debt crisis in the next 2 to 3 years. And then, of course, we had Standard & Poors provide a negative assessment to our credit rating in this country. That, too, is something we have not seen before. I hope we are willing to take the necessary steps to avoid our credit rating being downgraded. When you get an assessment such as that, it is not too long that a downgrade in your credit rating follows.

Those are not just anecdotal things, those are fact-based assessments and analysis of where we are. These are people who know the importance of dealing with these issues. If we continue to borrow more money from other places and don't take the necessary steps to fix this, we will continue to put our future of our children and grandchildren at greater risk and in greater jeopardy.

This will not be easy. Obviously, there will be political consequences to any decisions we make. But these decisions are more difficult because we have put them off for so long. The easy decisions, the low-hanging fruit is no longer out there. We have to decide now, are we going to continue to spend and spend and borrow and borrow, to the point where we head over the cliff because we ran out of road, or will we make these decisions now and get serious about providing a stronger and better and more prosperous future for our children and grandchildren?

We cannot act as though the Federal Government doesn't have a spending problem. Those days are gone. We no longer have that luxury; the numbers bear that out. So we need to look at the debt limit and the upcoming vote as an opportunity for Republicans and Democrats to come together behind a plan that will meaningfully address our spending problem.

The status quo is not acceptable. It is going to require leadership from the President, which has been nonexistent so far. I hope he will step forward. It will require leadership from Democrats in the Senate. They control the agenda here and they have the majority. I hope we do a budget this year. We didn't do one last year in the Senate. I think it is important to have that debate, so that the American people see us debating how we are going to spend their tax dollars. That is something every American should expect and deserves from their elected leaders.

I hope we will have a budget markup where we can get these issues out in front not only for us to discuss but also in front of the American people. This is their future we are talking about. If we don't act, we are putting in great peril and jeopardy the future for our children and grandchildren.

I wanted to point out where we have come from and where, in my view, we need to go if we are going to solve this problem. I hope my colleagues will join in that discussion, not only rhetorically but that their actions will follow. We cannot just talk about this; it is time for us to quit talking and start acting.

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

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

The legislative clerk proceeded to call the roll.

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

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

HIGH GASOLINE PRICES

Mr. MANCHIN. Madam President, I rise to speak about an issue that is directly impacting each and every family, not just in West Virginia but throughout this whole country. It is the high gas prices. The truth is, in States all across this Nation, and particularly in West Virginia, countless families have to drive to survive. For these families, a jump in the gas price is not just an inconvenience or an annoyance, it is a threat that hits extremely hard in the pocketbook and could change their way of life.

But as every American knows, the cycle of high gas prices is not a new phenomenon with any of us. I still vividly remember waiting in line for gas in the early 1970s, when gas was rationed based on our license number—when we could buy gas. It is something I thought could never happen in America, and I am sure those whom it happened to felt the same.

This all came about because of our dependency on foreign oil. If we think back to the early 1970s, we were 28 percent dependent on foreign oil, which we thought was a high number at that time. But today we are more than 50 percent dependent on foreign oil, which has caused a massive transfer of American wealth to countries that do not like us that much and want to do us harm. We have seen this bad movie time and again. Yet somehow it seems Washington keeps thinking there is going to be a different outcome or a different ending. The right ending will only come when our Nation makes it a high priority to achieve energy independence within this generation.

While crafting such a bold plan will be difficult, I recognize—and the special interests that oppose using our own resources such as coal, natural gas, and oil in an environmentally responsible way will resist loudly—we can no longer allow this Nation and our hard-working families to be held hostage by high gas prices. We can no longer allow partisanship and politics to undermine the common ground that can be achieved if we work together with one goal in mind—true energy independence within this generation.

Let me make it perfectly clear, high gas prices are not the only high price we are paying as a nation. For decades, our great men and women who serve us so well have been called to action in defense of our vital interests in the Middle East and all around the world. Thousands have been killed and injured. Their families have suffered the incredible pain of loss. Our nations have spent trillions in the course of these missions. Yet too many of these oil-rich countries have and will continue to use against us our dependence on their oil.

For all these reasons and for the sake of our national security, it is time for our Nation to become truly energy independent within this generation. I believe we can do it, and I know we can because just this week in beautiful Mingo County, WV, my State took a major step to confront our gas prices head on. On Monday, West Virginia said enough is enough. On a sunny morning in the town of Gilbert, WV, I helped break ground on a promising new project that could help bring down the crushing gas prices our families are confronting. There, entrepreneurs and State and local governments are participating to create hundreds of jobs at a coal-to-gasoline plant that is at the forefront of any technology in the world.

The anticipated production of this plant is very impressive. It is projected to convert 7,500 tons of West Virginia coal into 756,000 gallons of premium gasoline each and every day, which can be used to run our cars and our trucks and even some of our military equipment.

Over a 4-year construction period, it is estimated that 3,000 skilled trade workers in America will be employed. When the plant is finished, it is expected to create 300 direct jobs and hundreds of more ancillary jobs in the community.

In West Virginia and Mingo County, the government is acting as a partner—and as a good partner, not an obstacle—and that is the role our Federal Government should take toward energy independence. This is exactly the kind of project the Federal Government should work on with us to make sure it succeeds. They should be our ally, not an obstacle or an adversary. If my little State has the courage to step out and invest in our independence, then the Federal Government should also have the courage to do the same. West Virginians are sending the right message for this country. We will not let ourselves be held hostage to foreign countries that want to see the United

States be financially crippled simply because those countries have oil.

My State of West Virginia also proves we can and we must use all our domestic resources to break our cycle of dependence on foreign oil within this generation. It doesn't matter whether your State has oil, coal, natural gas, geothermal, nuclear, biomass, wind, solar or hydro because we have to harness all the tremendous resources right here in America or we are going to continue to rely on countries that have contributed directly or indirectly to changing America for the worse.

At the end of the day, it is going to take everything we can do and every resource we have to become truly independent. That is one of the many reasons why I am cosponsoring the American Alternative Fuels Act with my colleague, JOHN BARRASSO, from Wyoming. Among other things, the bill would break down barriers to alternative energy fuels, including those from coal, biomass, algae, and waste.

There are other smart, targeted actions we can take in the short term to help reduce the price of gas for our families. I have signed on to an important piece of bipartisan legislation sponsored by my friend, Senator HERB KOHL, from Wisconsin. It is the No Oil Producing & Exporting Cartels Act, better know as NOPEC. This bill would finally allow the Department of Justice to go after foreign countries, such as the members of OPEC, because of their price-fixing behavior.

The other major issue we must address now is speculators and oil company subsidies. This is not a supply issue. The real problem is pure greed—some who are taking advantage of the instability in our world to line their pockets on the backs of American families—or a tax policy that does not make any sense at all, that continues to subsidize oil companies when the price of a barrel of oil is at the highest it has ever been and the profits are at a record high. This doesn't make any sense to American families.

Wouldn't it make more sense that these subsidies they now have should only be available when the cost of production exceeds the price of a barrel of oil? That would be a commonsense solution. It would ensure stability and steady production, and it does not force taxpayers to fill the bank accounts of major oil companies when they are already making record profits.

Because we must do so much more to protect American families, I have also encouraged the Commodity Futures Trading Commission to take aggressive steps in the short term to regulate and pursue the oil speculators who are driving the price of a gallon of gas through the ceiling.

While the most important thing our country can do is establish a national energy plan for independence, all of those actions are steps we can take to make sure we relieve the financial pressures on our families and help secure our country.

For all of the wonderful families of West Virginia, for the great people of the United States of America, and all of our children and grandchildren, this country must finally answer the call. It is time. It is truly time. It is time to free this Nation, put politics aside, and work together to make energy independence a national priority.

I truly believe that if we work together as Americans and focus on a commonsense approach, we can develop a strong bipartisan energy plan that will not only break the power of foreign oil countries and speculators, but use the resources that we have right here in America. We can chart a new and promising energy future for this great Nation and we must start today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. I want to thank the Senator from West Virginia for his comments on our dependence on foreign oil. We import about $1 billion worth of oil a day. That does not make our Nation any stronger. In fact, it makes us more dependent. For our economy to grow, we need to have good homegrown energy sources. We may never be totally independent, but if we do not move toward independence, then I am afraid we are going to continue to be victimized, as we have been recently, by not only oil companies but the greed the Senator mentioned that drives up gasoline prices every Spring. Just as sure as the baseball season is going to open, gasoline prices are going to go sky high. Then they are going to retreat, but they never retreat to where they started. They always end up higher as we go into the summer vacation season. The Senator from West Virginia has some thoughtful ideas here on how to address this. I share his support of HERB KOHL's legislation that deals with NOPEC, the OPEC cartel, and the fact that we have been victimized by them for way too long.

Like the Senator's State, we have a lot of coal in Illinois. We want to find an environmentally responsible way to use it, to take all of the energy out of the ground and put it to work for America so Americans can go to work. I thank the Senator for his leadership on this important topic.

ILLINOIS FLOODING

Mr. DURBIN. Madam President, closer to home in Illinois, we are fighting the floods. It happens regularly, and we have had a tough time with it. The Ohio River, the Illinois River, and the Mississippi River have all been threatening communities such as Metropolis and Old Shawneetown. I was down in Cairo, IL, a couple of weeks ago and saw how bad it was. It was a scary situation in a very poor town.

The Corps of Engineers had a tough decision to make. They had to blow a levee, which means opening farm land to be flooded. To take the pressure off the rivers, they did it. I said to General Walsh when he was in the process of making the decision: Do what is right and I will stand by you. I know what I want you to do, but do what is right. I think he did the right thing, and I stand by him.

Now I stand by those living in Missouri who were affected by that decision. If they in any way suffered hardship or inconvenience or loss of income as farmers, we need to stand by them, as we do with so many across America in times of disaster.

I know we have had a big challenge in our State. Governor Quinn and I were on the phone the day before yesterday talking about the response. He was on his way down to Metropolis. A mutual friend of ours, Mayor Billy McDaniel, down there is working with Pulaski County Board Chairman Monte Russell to find places for people to stay as they wait for the flood waters to recede in Metropolis.

In Carmi, Mayor David Port and Golconda Mayor Bill Altman are working with our office to make sure that pumps and other supplies are there when they are needed. In Cairo, we had a change in administration. I worked with Judson Childs, the former mayor. He has now been replaced by Tyrone Coleman. We will continue to work with them. They vacated a lot of homes. People are staying in gyms and other places and waiting for a chance to go back home. We are going to do our best to make sure that happens.

A special salute to our Illinois National Guard. These men and women come to the rescue of our State every time we face a disaster. This is no different. They are putting in long hours. I thank them for their unselfish commitment. And GEN Bill Enyart can be proud of the men and women of the Guard units across the State of Illinois.

The Illinois Emergency Management Agency under Director Jonathon Luck has been in touch with our office every single day. They are assessing the damage that has been done. They will measure that damage, and at the appropriate moment—and I am sure it will be soon—will move forward with our congressional delegation to ask for Federal disaster status and Federal disaster assistance. That is something that I think will definitely be needed and is appropriate for the magnitude of this challenge.

I will work with my colleague Senator KIRK, who visited last week in this region. We are going to work together, in a bipartisan way, to make sure that our State and the people who are suffering under these flooding conditions have a chance to recover, get back to their homes and back to their businesses and back to work.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 952 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

OIL COMPANY SUBSIDIES

Mr. WHITEHOUSE. Madam President, I am here to call for the end of the $4 billion in giveaways that taxpayers are providing to big oil companies every year. At a time of skyrocketing gas prices and of record oil company profits and of difficult decisions about where and how to cut the Federal deficit, we should not be providing big oil with expensive and unnecessary taxpayer handouts.

Gas prices nationwide are averaging $3.96, up over a dollar from this time a year ago. In my home State of Rhode Island the average price per gallon is now over four bucks. These prices are putting a significant dent in family budgets across the country.

In the last 50 years prices in real terms have only been this high twice—in 1981 after the oil crisis and in parts of 2007 and 2008. High gas prices not only increase the cost of driving, but they leave families with less to spend on other basic necessities. They ripple throughout the economy as gas-guzzling buses strain school district and public transportation budgets, food prices increase from trucking costs, and wherever transportation is a factor it raises costs for American consumers.

The current price spike could not have come at a worse time. When gas prices last peaked in July 2008, unemployment nationally was 5.8 percent. Now unemployment nationally is 8.8 percent, and it is even higher in many States. In my home State of Rhode Island, we are still struggling under a staggering 11-percent unemployment rate.

I recently heard from Tony, a constituent in Wakefield, RI, about the impact rising gas prices have had on his wallet. He said:

> We have few options to offset the higher pricing and thus much less to spend.

Gas prices are forcing individuals such as Tony to make difficult choices about what to cut out of the family budget. Yet even as families are struggling, oil companies are once again reaping record profits.

Here are the earnings numbers the oil companies recently announced for this quarter: ConocoPhillips earned a first-quarter profit of $3 billion, up 44 percent from the period last year. Chevron earned $6.2 billion, a 36-percent increase in profit. Royal Dutch Shell earned $6.3 billion, a 30-percent increase in profit. BP earned $7.1 billion, a 17-percent increase in profit. And the big one, ExxonMobil, earned a profit in one quarter of $10.7 billion, a 69-percent increase from last year in quarterly profit.

These companies combined for a total profit of $33.3 billion in the first quarter. That is $370 million per day or more than $250,000 in profit every minute. I have probably been speaking for at least 4 minutes, so they have made 1 million bucks.

There is a direct correlation between how much consumers pay at the pump and how much oil companies rake in. As gas prices climbed from 2002 to 2008, so did profits. When gas prices fell in 2009, down went profits. Sure enough, as gas prices climb again to over $4 per gallon, oil profits are up sharply.

With people in Rhode Island and across the country being forced to tighten their budgets, and with the Federal Government working to reduce our deficit, it is all the more frustrating to read about these taxpayer-subsidized, sky-high profits. At the very least, when we are looking at cutting Head Start, for instance, we should not be wasting $4 billion per year in precious taxpayer dollars to help these big oil companies earn higher profits. They are doing wonderfully on their own.

So I am proud to join my colleagues in introducing the Close Big Oil Tax Loopholes Act to end some of these egregious subsidies for the big five oil companies. To highlight a few, the proposal would repeal subsidies to oil companies for producing oil overseas. It would repeal a deduction that can often eliminate Federal taxes for oil companies, and it would repeal the head-scratching classification of oil companies as manufacturers which allows them to take a tax credit aimed at getting our manufacturing industry back on its feet. It is time to close these loopholes and make sure oil companies are paying their fair share to help us lower our deficit.

I ask unanimous consent to have printed in the RECORD an op-ed from Jacqueline Savitz which ran today in my hometown paper, the Providence Journal, calling on Congress to end these handouts.

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

[From McClatchy-Tribune News Service, May 11, 2011]

JACQUELINE SAVITZ: MAKE CONGRESS END HANDOUTS TO BIG OIL: PROVIDENCE JOURNAL OP-ED

(By Jacqueline Savitz)

Maybe the Internal Revenue Service should rename its 1040 Form the WD–40. After all, after millions of Americans paid their taxes this year, a hefty chunk of their hard-earned pay went to grease the palms of some of the world's richest oil companies.

But these companies are already well lubricated. Despite profits that surged to nearly $80 billion in 2010, Big Oil will pocket nearly $5 billion in taxpayer handouts this year—even as gasoline prices soar and our national debt deepens.

One year after the Deepwater Horizon oil disaster in the Gulf of Mexico, it's time to ask whether we keep shoveling so much tax money to companies that need it so little—and seem to care even less about the long-term health of America's economy and environment.

Not surprisingly, in poll after poll, the American people are saying: ''No!'' A February NBC/Wall Street Journal survey found that a whopping majority of Americans—74 percent—support ending longstanding oil-industry tax credits worth tens of billions of dollars. President Obama has proposed a change designed to keep the engine of innovation humming. He has asked Congress to dispose of some grubby subsidies that have rewarded Big Oil for bad behavior. And he wants to replace them with more effective incentives for saving energy and shifting to cleaner, greener and safer energy choices.

It's a sensible plan for leveling a playing field too long tilted in Big Oil's favor. It recognizes that we can't just pump our way out of our energy problem. And it would provide the entrepreneurs who are creating tomorrow's energy sources with the same kind of help the nascent oil industry got more than a century ago but no longer needs.

The plan is also a welcome sign that, in the wake of the Deepwater Horizon disaster, we are recognizing the true costs of dirty energy. We don't pay just once for that gallon of gas or quart of oil. We pay at least three times: Once at the station; again on Tax Day for the subsidies; and again every time taxpayers have to help clean up the environmental and economic mess created by a leaking pipeline, smashed supertanker or burning offshore rig.

It's one thing to mourn the lost lives, oiled birds, fouled beaches and fishing grounds created by these catastrophes. It's quite another, however, to realize that billions of our tax dollars contributed to these disasters by cushioning these companies from the true costs of their mismanagement.

So what's the problem? Apparently, the WD–40 has made its way to Congress, and the well-lubricated process has so far ensured that oil-industry subsidies continue to slip through the legislative process.

At Oceana, we're calling on Congress to end this expensive, self-destructive coddling. Oil and natural-gas companies have already received at least $190 billion in subsidies since 1968, said a recent analysis by congressional staff. That could grow by an additional $36.5 billion over the next decade, if our laws aren't changed. And that doesn't count an additional $2 billion to $3 billion in royalties a year that companies aren't currently paying on the oil pumped out of certain federal leases offshore, due to sloppy lawmaking and political gridlock. A private company would never give that oil away for free. Why should we the people?

In these lean times, we can't afford to waste more money on further enriching the oil behemoths. Instead, we could: Pay down our debt. Help our kids become the next Thomas Edison or Bill Gates. Let today's small offshore-wind and ''smart power'' firms become tomorrow's Google—or even tomorrow's BP creating new jobs and big fortunes along the way.

Replacing oil won't happen overnight. But it won't happen at all unless we make smarter choices now about spending the public's money.

First, Congress should act now, as urged by President Obama, to end unnecessary handouts to Big Oil. Second, make sure that the companies pay fair royalties on the crude they pump from public lands and waters. Finally, invest in people and companies that will create the next energy revolution—building everything from better offshore wind turbines to electric cars. It's time we started using our scarce tax dollars for the benefit of all Americans—and stopped handing them over to a handful of rich oil executives. Come on Congress, it's time for an oil change.

Mr. WHITEHOUSE. I have also called on President Obama to release some of the oil stored in our Nation's Strategic Petroleum Reserve. History has shown that releasing some of this oil into the market can have a short-term impact on prices. When President George H.W. Bush announced he was authorizing a

drawdown in 1991, oil prices fell by nearly $10 per barrel the next day. There is not much we can do to reduce oil prices in the near term, but this action could bring some relief to American consumers.

We must also clamp down on excessive oil speculation. I joined 47 of my colleagues in opposing a Republican proposal to cut one-third of the funding for the Commodity Futures Trading Commission, the cop on the beat, for improper speculation. The Commission is responsible for cracking down on illegal speculative activities that artificially inflate the price of oil. We need to make sure Wall Street is not unfairly gouging and hurting middle-class families. We should not be taking this cop off that beat.

I am joining Senators CANTWELL and WYDEN in sending a letter calling on the Commission to impose position limits on oil trading that were required by the Dodd-Frank Wall Street reform bill. This congressionally imposed deadline has already passed, and the Commission should act swiftly to protect consumers by helping to restrain speculation. I am glad President Obama has directed an investigation into the role of speculation in our current gas prices.

In the long run, we must invest in electric vehicles, alternative fuels, public transit, high-speed rail, and freight rail. Each of these transportation methods can significantly reduce our reliance on oil in the transportation sector. Indeed, moving freight by rail is three times more fuel efficient than by truck.

If we do not take long-term action, these price spikes we are seeing now are going to keep on coming. We have seen them before, and we will see them again. As President Obama said, the United States keeps going ''from shock to trance on the issue of energy security, rushing to propose action when gas prices rise, then hitting the snooze button when they fall again.'' Let's not hit the snooze button after this one. Let's take the long-term action necessary to get our country off of foreign oil. But in the meantime, let's work together to end the unnecessary and costly $4 billion giveaway to these highly profitable oil companies and promote instead long-term solutions to move us off oil and to protect American consumers from the harmful price shocks they are now experiencing.

I would leave with this question: Can the deficit be at once the most important challenge facing our Nation, as many of my colleagues say it is, and at the same time less important than protecting big oil subsidies? I think not.

I yield the floor.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Madam President, I ask unanimous consent to be able to speak in morning business for up to 15 minutes.

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

THE BUDGET

Mr. SESSIONS. Madam President, a headline in the Hill today reads ''Budgets everywhere, but not [a single] one has votes to pass.'' Well, that is not exactly correct. In reality, there is only one budget that has been presented, publicly debated, worked on in committee, shared with the American people, and passed on the floor in one house, and that is the budget of the Republican House. PAUL RYAN led the fight on that, and it is a courageous, serious budget that would restore fiscal sanity and prosperity to this Nation.

It deals with our short-term funding crisis and the long-term ability of our financial system. We had another budget presented by President Obama. It was an irresponsible budget. The budget presented by the President to the Senate is about this thick. It is required by law that the President submit one every year. He has around 500 people in the budget office who help prepare that. That budget—analyzed by the CBO, our independent group of analysts—was found to not reduce the debt path we are on but to actually increase the debt over 10 years more than would occur based on the Congressional Budget Office baseline we are already on—substantially, $2 trillion more. It has tax increases in it too. This is not a responsible budget. It was never received responsibly in the Senate and not by the independent commentators. They all said it fails to do the job we have to do.

I have to say, by contrast to the House, that there still is no Senate Democratic budget—a budget set up to be passed by a majority. The majority party always has the responsibility—and sometimes they meet it and sometimes not—to present a budget. No action has even been scheduled in the Budget Committee. No plan or resolution has been brought up for a vote. In fact, it has been 742 days since the Senate passed a budget—2 years. The Democratic-led Senate has missed the statutory deadline of April 15 to produce a budget for the second year in a row. In fact, as a statutory requirement, the committee is to start work on it by April 1. We have not begun it yet and it is mid-May. Is it any wonder that this country is in a financial crisis, that we are not containing spending, when we don't even have a budget and we didn't even bring one to the floor last year? Majority Leader REID chose not to bring a budget to the floor for debate or to even attempt to pass a budget.

We are in the middle of a fiscal crisis. There is no doubt that the single greatest threat to America at this point in time is the financial situation in which we find ourselves. This year, we will spend, by September 30—and we are moving on to that date—$3.7 trillion. We will bring in revenue of $2.2 trillion. Forty cents of every dollar we are spending this year is borrowed. It is an unsustainable path, as every expert has told us in the Budget Committee, where I am ranking Republican.

We have heard witness after witness, Democratic and Republican, and the President's own debt commission tell us we are on an unsustainable path. Erskine Bowles, the man chosen by President Obama to head the fiscal commission the President established, told us—along with Alan Simpson, his co-chairman—that this Nation has never faced a more predictable financial crisis. We are heading right to it. It is going to hammer us, our children, and our grandchildren. If we don't get off this course, the bond markets are going to revolt, and we are going to have a serious financial crisis of some kind that will not be good for this economy.

When asked when such a crisis could occur, Mr. Bowles said 2 years, maybe a little less or a little more, and Alan Simpson said he thought it would be 1 year. These are independent people who love America. They are warning us to take action now. The President's budget simply doesn't get it.

The American people are not happy with us. They think we are not meeting our responsibilities.

Are they right? They hammered a lot of big spenders in the last election. Were they right? I totally believe they are right. I totally believe that. I am of the view that there is no way this country should be in the present debt situation. It should never, ever have happened. I opposed a lot of the spending. I would like to think I was more vigorous than most in warning against it. But I don't think I have done enough. There is no reason to borrow 40 cents out of every dollar we spend; it threatens our future.

We will double the entire debt of our country in 4 years under this President's watch. When he leaves office, completes his 4-year term, he will have doubled the entire debt of America, and we are on a course that continues to be dangerous.

As we know, Budget Committee Chairman CONRAD has been meeting privately with his Democratic caucus—it has been in the press—to try to finally bring some sort of budget forward. The Democrats apparently have been unable to do so, from reports we see, because the big spenders in their caucus cannot support a plan that would actually get the job done and put us on a sound financial path, and they can't produce a plan that will withstand public scrutiny, apparently, and that the American people would support. So they have a difficult problem.

This was shown, as reported in The Hill, because Chairman CONRAD—who served on the debt commission and I believe fully understands the dangers this country faces—has repeatedly acknowledged that. I really respect Senator CONRAD's insights into the challenges this country faces. Apparently, his proposal, which was going to be somewhat better than President Obama's, I assume, failed to win the support of his conference and of Senator BERNIE SANDERS, who is a gutsy Senator and is open about what he believes. But he has described himself as a Socialist and is the Senate's most powerful advocate for bigger government. He is a member of the Budget Committee. The reason Senator SANDERS' vote became important is because the Democrats have apparently been working to pass a budget through committee without a Republican vote. They don't expect to get any Republican votes. The committee only has one more Democrat than Republicans, so the chairman needs Senator SANDERS' vote if he wants to get the budget out of committee.

Here is an excerpt from The Hill:

> Reid said Senator Conrad presented to the [Democratic] Caucus a 50/50 split when asked about the preferred ratio of spending cuts to tax increases. . . . Conrad has moved his budget proposal to the left in order to gain the support of Senator Bernie Sanders, an outspoken progressive on the budget panel.

You know, ''progressive'' is a word they are using now for big government types. They want to take more money from the American people because they believe they know better how to spend it than the American people who earn it. They want to spread it around the way they want to spend it.

This is a remarkable turn of events. It is particularly stunning because the President's budget—repudiated for its dramatic levels of spending and taxes—claimed there was a 3-to-1 ratio of spending cuts to tax hikes. ''We cut spending $3 for every $1 in tax hikes'' is what the President said. Chairman CONRAD has indicated that would have been his choice. He praised that. He said he favored that same ratio. I don't think that is necessarily a good ratio. We need to reduce spending more than that.

Taken literally, what this means is that Senator CONRAD has, in a fundamental respect, moved his plan to the left of the President and the fiscal commission, which also proposed a plan that actually did reduce spending $3 for every $1 in tax increases or pretty close to that, pretty fairly, without gimmicks, and came close to achieving that. The President's budget was so gimmicked that it really didn't achieve $3 in spending cuts for every $1 of tax increases. It did not. It wasn't correct for him to say that.

It is important to note that the President and the fiscal commission use a baseline that assumes tax rates will go up. Fairly analyzed, those plans rely much more heavily on taxing than those ratios indicate, as I said, and I fear that the composition of this new Democratic budget proposal may not even meet the 50–50 plan. The others have it in terms of taxes and spending cuts.

The merits of this 50–50 split between savings and taxes are both a question of philosophy and economics. Philosophically, the American people don't want Washington to continue raising taxes to pay for larger and larger spending. American families should not be punished for the sins and excesses of Washington.

According to the CBO, we are going to spend $45 trillion over the next 10 years. The Senate Democratic plan, which no one is likely to see until after the committee meets—that is what we have been told, that we won't see it until it is plopped down at the beginning of the committee markup, where amendments are supposed to be offered soon thereafter—their own plan, at least from what we read about it, says it will cut or save just $2 trillion out of $45 trillion over the next 10 years.

The American people know there is much more we can and must do to bring this government under control and to achieve real balance in this country. What kind of balance? Between raising taxes and cutting spending, 50–50? No. The balance we need is one that respects the American people, that reduces the growth in spending and wealth taken by Washington and allows it to be kept by the American people, who earn it.

There is also a question of economics. Our committee has conducted an exhaustive survey of available research which conclusively shows that debt reduction plans that rely equally on saving money, reducing spending, and raising taxes are far less successful and result in far weaker economic growth than those plans that rely on cutting spending. We will release a white paper very soon that will share these findings with my colleagues and the country. It is very important that we understand this. What history is showing us is that when you reduce spending, you get more growth and prosperity than increasing spending and taxes.

Here is one example of the many studies we analyzed. This is a Goldman Sachs study by analysts Ben Broadbent and Kevin Daly. The report resulted from a cross-national study of fiscal reform that:

> In a review of every major fiscal correction in the OECD—

The Organisation for Economic Cooperation and Development, the world's major developed economies—

> since 1975, we find that decisive budgetary adjustments that have focused on reducing government expenditure have (i) been successful in correcting fiscal imbalances; (ii) typically boosted economic growth; and (iii) resulted in significant bond and equity market outperformance.

In other words, the stock market and the bond market improved, and both of those are a bit shaky now after some rebound.

> Tax driven—

''Tax driven,'' that means tax increases—

> fiscal adjustments, by contrast, typically fail to correct fiscal imbalances and are damaging for growth.

That is the Goldman Sachs study. Half of our U.S. Treasury Department has been manned by people who served at one time or another at Goldman Sachs. They are not considered a right-wing group. That is what their analysts have said to us.

The Democratic Senate, I believe, should heed the large body of research showing that spending cuts on a basic economic level work better than trying to drain more out of the economy by way of taxes. In other words, the Senate should produce a budget based on facts. They should produce a budget that grows the economy, that imposes real spending discipline on Washington. They should produce a budget without gimmicks and empty promises. They should produce this budget publicly, openly, and allow the American people to review and consider it before the committee meets in 72 hours, as my colleagues have pleaded with the chairman twice to do but he will not do. They should produce a budget the American people deserve—an honest budget that spares our children from both the growing burden of debt and the growing burden of an intrusive big government.

I hope we can continue to have the opportunity to talk about this issue. It is right that the American people be engaged in it. I have to say, I feel as though we failed in our responsibility to conduct open hearings and markups on a budget.

I yield the floor.

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

NATIONAL LABOR RELATIONS BOARD

Mr. HARKIN. Mr. President, recently the National Labor Relations Board general counsel issued a complaint against the Boeing Company alleging that the company had violated the National Labor Relations Act. This routine administrative procedure has set off what I call a melodramatic outcry from Boeing, the business community, the editorial writers of the Wall Street Journal, the National Chamber of Commerce, and, of course, our friends on the Republican side of the aisle.

A headline in the Wall Street Journal editorial page calls it: ''The death of right to work.''

South Carolina Gov. Nikki Haley declared that it was ''government dictated economic larceny.''

At a press conference held at the Chamber of Commerce yesterday morning, Senator DEMINT from South Carolina referred to it as ''thuggery.''

The senior Senator from Utah warned that foot soldiers of a vast and permanent bureaucracy were trying to implement a ''leftist agenda.''

One would think this one decision by an administrative arm of an independent agency was surely going to bring about the death of capitalism in the world today. This has taken on incredible proportions in terms of the outcry and the mischaracterization of what has happened.

Instead of talking about how we get Americans working again, get the middle class on its feet, our colleagues on the other side of the aisle are taking their time on the Senate floor and in press conferences downtown attacking the handling of a routine affair—an unfair labor practice charge.

I do not think it is worth the time of the Senate to debate this issue. However, because of this huge outcry and the fact that the Wall Street Journal has chosen to editorialize on this issue and because of the disturbing misinformation that has distorted public discussion of this case, I am going to take some time on the Senate floor to try to, as they say, set the record straight.

I have said before this Boeing case is a classic example of the old saying that a lie is halfway around the world before the truth laces up its boots. I would say, in this case, Senate information travels even faster than that. So it is time to set the record straight.

Here are the facts in the case. It is undisputed Boeing recently decided to locate a production facility for the new Dreamliner planes in South Carolina. They decided to do that. Many statements were made by executives of Boeing, publicly stated, that the decision to move there was based in whole or in large part on the fact that there had been work stoppages, strikes in the last few years at the Boeing plant in Everett, WA. The NLRB's complaint alleges that this decision was unlawful retaliation against the Boeing workers in Washington State.

This has been put into a political context, but let's again be clear about how this happens. The National Labor Relations Board is an independent agency set up under the Wagner Act 75 years ago. There are two branches of the NLRB. One is the Board, the NLRB, the national board. It is a five-member board appointed by the President, with the advice and consent of the Senate. On the other hand, there are the career service people, outside of the General Counsel, the civil servants who are not appointed. They are nonpolitical. They carry out the day-to-day functions of the National Labor Relations Act. If I may say, it is similar to the Food and Drug Administration. The Food and Drug Administration has an Administrator appointed by the President, with the advice and consent of the Senate, as do a lot of other independent agencies. But then there is a civil service side of it that is professional—professional people not appointed by the President. They have career civil service status.

The general counsel of the National Labor Relations Board is appointed, but the rest of the staff in the area of the career civil service. The acting general counsel now has been a civil servant for 30 years.

What happens is, a business or a union—it does not have to be them; it can be anybody—can file a complaint with the NLRB, alleging that certain actions were in violation of the National Labor Relations Act. One of the provisions of the National Labor Relations Act says it is unlawful for a company to retaliate against workers for a protected activity conducted by those workers—protected activity.

One of the protected activities under the National Labor Relations Act is, of course, the right to organize, the right to join a union, and, of course, under the Taft-Hartley bill, some years later, the right not to join a union if you do not want to, so-called right-to-work States.

The protected activity in this case is the right to strike. The National Labor Relations Act protects that activity. Organized workers in a union have the right to strike. It is a protected activity. A company cannot retaliate against workers for exercising that right.

So if—if, I say ''if''—if the Boeing Company did, in fact, move a production line to another State in retaliation against the workers who exercised their right to strike in Washington, that would be illegal for Boeing to do that—unlawful. I said ''if'' because I am not here taking a side in the case. I am not certain where the truth lies. This is for the trier of fact and the trier of law.

When a complaint such as this comes to the National Labor Relations Board, they investigate it. The National Labor Relations Board investigated, under the general counsel's office, the civil service part. They did an investigation. They took affidavits. They talked with people to find out whether there was any cause to move forward.

Again, whether it is right or wrong, I do not know, but this independent civil servants decided there was enough evidence for them to warrant taking this case to an administrative law judge. That is the process. Boeing then can make its case before the administrative law judge. The general counsel's office can make its case. The administrative law judge then makes a decision. As I understand it, the administrative law judge can find for the general counsel, it can uphold their theory or it can modify it.

After that is done, either side can appeal it. That appeal then goes from the civil service part over to the National Labor Relations Board. After the Board then reviews it, they make a decision. They either uphold what the administrative law judge said or they do not uphold it.

From there, either side can appeal to the circuit court of appeals, and from the circuit court of appeals, they can appeal to the Supreme Court of the United States. That is the process. That process has been followed now for 75 years.

We follow similar processes in other independent agencies of the Federal Government. I mentioned the Federal Food and Drug Administration, the Federal Trade Commission. A lot of other independent boards and agencies have that same process.

What has happened now is, many of our friends on the Republican side and in the business community have now taken up the hue and cry that this process should be interfered with, that this process should somehow be stopped politically. I do not think it is our right, our job here to interfere in something such as that politically. If my friends on the Republican side do not like the provision of the National Labor Relations Act which says it is illegal to take retaliation against workers for protected activity, if my friends on the Republican side want to change that law, offer a bill, offer an amendment. That law can be changed. With both bodies—the House and the Senate—and the President signing it, we can change it. But it is wrong for, I believe, elected officials, such as myself or anyone else, to interfere in that process and to cast it as a political decision. But that is what is being done by so many Republican Senators and people in the business community.

They have alleged that President Obama was behind this, that somehow because he has appointed a couple members of the National Labor Relations Board that he is behind this issue. President Obama had nothing to do with it. This was a complaint filed by the Machinists Union, the International Association of Machinists, with the NLRB. President Obama has nothing to do with this whatsoever, and he should not have anything to do with it. But, again, people on the Republican side are alleging—again, misinformation, misinformation, misinformation going out—that somehow this is being orchestrated out of the White House.

Again the facts: The facts are there was a complaint filed. The National Labor Relations Board is doing exactly what they have done for the last 75 years. It is going to go before an administrative law judge and then find out how it works its way through the courts at that time.

I would ask my friends on the Republican side, if in, fact—if, in fact—the Boeing Company did retaliate against workers because of a protected activity, do my friends on the Republican side say that should be OK? Is that what they are saying; that if workers exercise a legally protected right and a company retaliates against those workers anyway they ought to be able to do that?

I can take all kinds of cases. Let's say a company decides to move a plant from Southern California to, let's just say Fargo, ND, and the reason they state they moved it was because there were too many Hispanics working in their plant in Southern California and they didn't like that. They wanted to

move it to Fargo, ND, because there are not that many Hispanics there.

Guess what, folks. That is illegal. That is illegal. Do my friends on the Republican side say they ought to be able to do that in violation of all our civil rights laws in this country? Of course not.

People say: Of course, they can't make that kind of decision based on that. They can't make a decision to move a plant where there are more men than women so they won't have to hire more women; or less African Americans so they don't have to hire more African Americans. We can carry this on and on.

So I hope my friends on the Republican side are not saying a company can retaliate and then just walk away without any penalties, without even any recourse by the workers to have their cases heard. That is what I am here defending. I am defending the rights of the workers in the plant in Everett, WA, to have their complaints heard.

Now, I don't know the facts. I know a little of the law, but I don't know the facts. That is for the trier. That is for the administrative law judge and the NLRB and the appeals court and the Supreme Court. That is their jurisdiction. But for us to say it shouldn't even go there; that these workers can't even bring a case—and I might add, there are a lot of cases that are filed with the NLRB that don't go there because the NLRB investigates; they do their due diligence; and they find out there is not even enough evidence to warrant going forward.

So all I can assume is here there was enough evidence to warrant going forward. Whether there is enough to actually find that Boeing did retaliate, again, I don't know. That is up to the trier of fact—the administrative law judge. But I am hearing from these dramatic outcries that somehow we are destroying the right to work. This case has nothing to do with right to work—nothing—zero. It has nothing to do with right-to-work laws. This case has nothing to do with the outcry that somehow this is destroying the essence of a business to be able to decide, in its best economic interest, where to locate.

If Boeing wants to open their plant in Timbuktu, they can do that. If they want to open a plant in South Carolina, they can do that. What they can't do is open a plant someplace in retaliation against the workers exercising their legally protected rights; that, they can't do.

Now, again, this is an evidentiary-type hearing. So the evidence will have to come forward as to just what decisions were made, why they were made. Quite frankly, there are executives of Boeing who have publicly stated—publicly—that one of the reasons they moved was because of the work stoppages at the Everett plant—work stoppages, strikes. Is that enough evidence? I don't know. Maybe it is enough evidence to warrant going forward. Obviously, the general counsel's office decided there was.

I would also point out, Mr. President, the general counsel's office in cases such as this works long and hard to try to settle the case—to get both sides to settle. I know the general counsel's office in this case did try to do that, but they were unsuccessful; therefore, the case goes forward.

So I want to point out again—just to reiterate, Mr. President—this is not about doing away with the right-to-work laws. It has nothing to do with that. It has nothing to do with interfering with businesses' making decisions on where to locate their plants or anything such as that. It has nothing to do with that. It has nothing to do with destroying capitalism. It has to do with whether workers have a right—first of all, can they exercise their legally protected rights, and then can they make a case to the NLRB they were retaliated against because they exercised their legal rights. That is what this case is about. That is what this case is about.

Again, I understand the desire of certain people to raise money for political campaigns. I understand that. I understand how one might exaggerate things a lot of times in direct mail and in the press. I am sure there will be a lot of businesses that will hear: You have to contribute to this campaign or that campaign to stop President Obama or to stop the National Labor Relations Board from taking your business decisions away from you.

Well, that is misinformation. I know it can be used to raise a lot of campaign money, but it is not right. It is not right to deceive and to misinform the American people about a basic right that protects middle-class workers in America. Americans understand fairness, and they resent it when the wealthy and the powerful manipulate the political system to reap huge advantages at the expense of working people.

I think I have always been a pretty good friend of the Boeing Company. I have been a big supporter of Boeing in so many things, going back in my 30 years in the Congress. It is a great company. They provide a lot of great jobs for American workers. They build great airplanes—better than Airbus, I might say. But it is wrong for them now to come in and try to get the political system to undo a legal administrative procedure the workers at that Boeing plant have instigated and have asked for the NLRB to investigate and to charge Boeing with retaliation.

What is happening in this case is that the powerful and the big are trying to manipulate the political system. Powerful corporate interests are pressuring Members of this body to interfere with an independent agency rather than letting it run its course.

We should not tolerate this interference. We should turn our attention to the issues that matter to American families—how we can create jobs in Washington, and, yes, in South Carolina, in Iowa, and across the country; how we can rebuild the middle class, how we can ensure that working hard and playing by the rules will help rebuild a better life for families and for their children. Playing by the rules is what the workers did. They played by the rules. They exercised their legal rights, and now there is a complaint filed. I say it is wrong for us to interfere in that.

Again, if we don't like the law, if we don't like the administrative procedures that undergird this, it can be changed. It can be changed. But I daresay we have had 75 years of the Wagner Act—of this process, and I will close on this: Sometimes businesses file a complaint with the NLRB against a union activity, and that is investigated. That goes before administrative law judges, too. So both sides use this.

I think it is unbecoming for us now to try to turn this into some kind of a political maelstrom, a political tornado, when it shouldn't be that. Let's let the law and let's let the administrative procedure do its job. Then, if corrective action needs to be taken, then it is the purview of Congress to deal with it at that time. Not now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

ALLEN NOMINATION

Mr. WEBB. Mr. President, I would like to express my appreciation to the leadership in the Senate of both parties for scheduling a vote today on Arenda Wright Allen's confirmation for a seat on the U.S. District Court for the Eastern District of Virginia.

All of us in this body know how important it is to fill the vacancies on our Federal bench, and particularly when we have highly qualified nominees who have no particular issues that need to be discussed in a political sense, and Virginia is no exception in this matter. The sheer volume of our Federal court workload demands we appoint dedicated, qualified jurists.

In that regard, Senator MARK WARNER and myself were very pleased to have recommended Arenda L. Wright Allen to the President in June of last year for this position on the U.S. District Court for the Eastern District of Virginia. President Obama nominated Arenda Wright Allen last December. She was renominated this year. She was reported out of the Judiciary Committee without opposition on March 10 of this year, and I believe the President has made an extraordinary choice in nominating Ms. Wright Allen.

Whenever a vacancy has occurred on the Virginia Federal bench, Senator WARNER and I have very carefully conducted thorough and extensive reviews of candidates for the position. This review process includes interviews and recommendations by the bar associations and in-person interviews with

many of the candidates. I am proud to say the Virginia candidate pool from which we had to choose on this particular occasion was excellent. It was deep. It included judges, legal scholars, and skilled trial attorneys.

From this very competitive field, Senator WARNER and I moved for the nomination of Ms. Wright Allen. She distinguished herself as the premier candidate in a very competitive field for this vacancy.

Ms. Wright Allen has displayed during her career the highest degree of integrity, competence, and commitment to the rule of law. She exemplifies the best of the Virginia Bar and, in fact, received the highest ranking from the Virginia State Bar.

As one who was privileged to serve as Secretary of the Navy and also as a combat marine, I personally understand the sacrifices that veterans have made to their country. Ms. Wright Allen is a veteran of the U.S. Navy. She served for 5 years as an Active-Duty JAG officer, and she continued her service as a Reserve JAG officer until her retirement from the Navy as a commander in 2005.

Her record of military service is excellent. Given the huge military presence in the Eastern District of Virginia, I believe this military experience will be valuable to her in her capacity as a Federal judge.

Ms. Wright Allen has dedicated her civilian career to serving her community, first as a Federal prosecutor and since 2005 as a Federal public defender. Unanimously, prosecutors and defenders who have worked with or have been on the opposing side to Ms. Wright Allen have attested to her talent, her dedication, and above all her exceptional character. Upon meeting her, it was clear to me she possesses the correct judicial temperament and dedication to make an excellent judge.

I have also had the pleasure of meeting her family and a number of her friends. Her dedication to her family, her church, and her community is clearly evident. I am proud Virginia has such an exemplary individual to put forward as a Federal district court judge nominee, and I urge all my colleagues to support Ms. Wright Allen today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

NEW START IMPLEMENTATION ACT

Mr. KYL. Mr. President, on behalf of myself and Senators MCCAIN, SESSIONS, CORNYN, VITTER, WICKER, and INHOFE—and probably others before the end of the day—I am going to introduce legislation called the New START Implementation Act, which I would like to describe briefly. This legislation is nearly identical to a companion bill introduced in the House of Representatives by Mr. TURNER, the chairman of the Strategic Forces Subcommittee of the Armed Services Committee. He has been a leader in the House on nuclear and missile defense issues. I understand many of the provisions have been included in the chairman's mark of the National Defense Authorization Act in the House and that the remainder will be introduced as amendments later today at a full committee level. I specifically wish to thank Chairman TURNER for his leadership.

Nuclear deterrence issues are among the most complicated and technical issues that we in the Congress are confronted with, and he deserves full credit for tackling them with vigor and for mastering them so quickly.

Similar to the House legislation, it is my hope that the Senate bill will be incorporated into the Senate version of the National Defense Act for fiscal year 2012. Let me now explain a little bit why I think this legislation is necessary at this time.

I voted against the New START treaty for reasons I have made clear previously on the floor. But I recognize the President's stated commitment to the modernization of our nuclear deterrent is necessary and is important and that Congress needs to codify the commitments made during the debate on the New START ratification process as well as the agreements the President has indicated through his comments and letters to us. This is important for the future, for future Congresses and future Presidents, because this process is going to take place over a period of at least 10 to 12 years. Modernization of our nuclear weapons facilities and the strategic delivery systems all will require commitments over the space of another decade or more. Memories fade, people's interpretations may change over time, circumstances change, and what we want to make sure of is that over the time period involved during which this modernization process must occur, the understandings that were agreed to at the time of the START treaty ratification will be memorialized in statute and complied with by the Congress and by the administration as time goes on.

The five key features of the legislation are these. First, it would link the funding of the administration's 10-year nuclear modernization program with any U.S. nuclear force reductions during the implementation phase of the treaty. What that means is, as in the later years of the treaty, funding is necessary for the demobilization, the dismantling of some of the weapons that are called for to be dismantled under the treaty but that funding is coordinated with the funding for the modernization program which is going on at the same time. It urges the President to stand by the timelines he pledged on warhead modernization in the revised plan he submitted in November of 2010. This is key to ensuring that Congress will support these modernization efforts that were deemed necessary in conjunction with the New START treaty.

The second thing the bill does is to ensure that nuclear doctrine and targeting guidelines and the New START force levels that the former STRATCOM commander, GEN Kevin Chilton, said were ''exactly what is needed'' are not arbitrarily cut by the administration that seems eager now to go to even lower levels, perhaps even unilaterally, than were negotiated in the START treaty. The President has indicated his desire for a world without nuclear weapons and said he would like to do new things in the future to reduce the numbers of these weapons. We simply want to make certain the guidelines that are militarily necessary reference points for the number of weapons we have, the types we have, how they are deployed and so on, are not modified in order to be a reason for or an excuse for reducing strategic weapons thereafter.

I think this is necessary because the President's National Security Adviser said on March 29 that, even as ''we implement New START, we're making preparations for the next round of nuclear reductions.'' In developing options for further reductions, he said: ''We need to consider several factors, such as potential changes in targeting requirements and alert postures that are required for effective deterrence.''

We were told the New START force levels were exactly what is needed for deterrence. Yet now the administration may seek to alter deterrence requirements in order to justify further reductions. My view is, the administration cannot use one set of facts to ratify the treaty and then immediately change those facts in order to suit its Global Zero agenda. Forty-one Senators made clear in a letter to the President on March 22 that we expect the administration to consult with Congress before directing any changes to U.S. nuclear weapons doctrine or proposing further strategic nuclear reductions with Russia. No consultations have occurred to date, and we expect that those consultations would occur before any discussions with Russians take place.

Third, the legislation would ensure that the triad of strategic nuclear delivery systems—that is to say, the bombers, cruise missiles, ICBMs and ballistic missile submarines—are modernized and that their reliability is assessed each year. Even today, we are still uncertain about the administration's plans to modernize the ICBM leg, nor do we know if the new bomber will be nuclear certified upon its deployment. For example, according to an April 22, 2011, press account in the Global Security Newswire, ''The US Airforce cannot say exactly how much it will spend to explore options for modernizing its ICBM fleet, nor where the money will come from.''

Obviously, if we are currently planning the modernization of these fleets, but we do not even know where the money is going to come from for the planning, we have a problem that needs to be resolved now rather than later.

That is what the third requirement of the legislation would require.

Fourth, the bill would affirm that the New START treaty contains no limitation on U.S. missile defense beyond the language in article V, section 3 and that any future agreement with Russia that would attempt to limit U.S. missile defenses could only be done by a treaty that would require the Senate's advice and consent. This is no different than what we all talked about on a bipartisan basis when the New START treaty was ratified, but we think these commitments should actually be codified to ensure they are kept.

Finally, the bill would counsel against unilateral reductions or withdrawal of U.S. nonstrategic nuclear weapons in Europe without the unanimous approval of NATO's members. Obviously, in NATO, one State should not be permitted to end NATO's successful article V policy, the policy that an attack on one is an attack on the others and will be met with resistance from the other NATO allies.

In conclusion, I think this bill should enjoy broad congressional support, given the fact that it merely builds on what the Senate and the administration agreed to in the New START resolution of ratification with respect to nuclear modernization and our freedom of action to develop and deploy missile defenses. It ensures that a future Congress and a future President understand and support the current commitment to nuclear modernization and ensures that there will be no further limitations on our missile defense efforts.

Finally, it builds in vital checks to permit congressional oversight of impending activities by the administration that portend significant changes to U.S. nuclear doctrine, further strategic nuclear reductions and potential activities with, and possibly concessions to, Russia with regard to missile defense and tactical nuclear weapons in Europe—all of which might be counter to U.S. security.

I will be pleased to add other colleagues as cosponsors to the legislation. As I said, I intend to actually introduce this toward the end of the day, and I am sure we will have additional cosponsors by that time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

The Senator from New Hampshire is recognized.

Ms. AYOTTE. I thank the Chair.

(The remarks of Ms. AYOTTE pertaining to the introduction of S. 944 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative 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.

ALLEN NOMINATION

Mr. WARNER. Mr. President, I rise to speak in support of the nomination of Arenda Wright Allen to serve as the next U.S. district court judge for the Eastern District of Virginia.

I am very pleased to see that our leadership came together to move this nomination forward. I want to recognize Chairman LEAHY and Ranking Member GRASSLEY for holding the nomination hearing and reporting this nomination by unanimous consent.

Senator WEBB and I had the privilege of interviewing several candidates to fill this vacancy on the bench. Ms. Wright Allen stood out for her exceptional qualifications and impressive record in the Norfolk community.

She has spent her entire legal career in public service, beginning with her service as a JAG officer in the Navy.

She also has the unique perspective of having served as both a prosecutor and a public defender. She spent 14 years serving as an assistant U.S. attorney for the Eastern District of Virginia and 1 year in the Western District of Virginia. Today, Ms. Wright Allen is a Federal public defender in Norfolk. Without a doubt, her extensive trial experience will go a long way on the bench.

While I was considering Ms. Wright Allen's record, I read several letters of support for her nomination. In addition, the Virginia State Bar ranked Ms. Wright Allen as ''highly qualified,'' and she came ''highly recommended'' by the Virginia Bar Association and the Virginia Women Attorneys Association.

I would also be remiss not to mention the historic nature of this nomination. Ms. Wright Allen would be the first African-American woman to serve as a Federal district court judge in Virginia. I know she will serve with distinction and make all Virginians proud.

Mr. President, President Obama nominated Ms. Wright Allen in January of this year. The time is now to confirm her nomination so that she can begin to serve the people in the Eastern District of Virginia.

I look forward to casting my vote in support of Ms. Wright Allen's nomination and encourage my colleagues on both sides of the aisle to do the same.

I hope the Presiding Officer, who has spent extensive time as a great attorney general, lawyer, and attorney of great repute and respect, will be able to join us in this effort.

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

The PRESIDING OFFICER. Will the Senator withdraw his request?

Mr. WARNER. Yes, I will be happy to withdraw my request.

Mr. INHOFE. I thank the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. It is my understanding we are in morning business until 2 o'clock.

The PRESIDING OFFICER. That is correct.

ENERGY

Mr. INHOFE. Mr. President, yesterday, I spent some time on the floor talking about the recoverable reserves in the United States of America. I was shocked so many Senators—first of all, I was shocked that many listened but more shocked they came up to me and said: We were not aware we have this opportunity.

I have, from the Congressional Research Service, a breakdown of where all of it is. I wish to share that breakdown and get it into the RECORD. I applaud Senator MURKOWSKI and others for trying to open and fully develop the resources in the Gulf of Mexico. That is very significant. I applaud their effort, and I join them in their effort.

We need to go further than that because in the Gulf of Mexico are—these are figures of the Congressional Research Service—undiscovered, technically recoverable resources. Our resources, according to CRS, are greater than any other country in the world in oil, gas, and coal. I am going to talk just about gas right now because one of the big issues, of course, not just with my wife but with others, is the price of gas at the pumps.

If we look at the undiscovered, technically recoverable resources just onshore, in the United States—some actually would be on public lands—it is 37.8 billion barrels of oil. Throw in Alaska and that would be 26.6 billion barrels; the Atlantic, 3.8 billion barrels; the Pacific, 10.5 billion barrels; the Gulf of Mexico, as I already said, 44.9 billion barrels. The total U.S. endowment—our endowment—of technically recoverable oil is 162.9 billion barrels.

We have talked about this before and talked about the fact that we have all these resources, but our problem is a political problem because the politicians will not let us reach these reserves. We are talking about the fact that they are hardly able to reach them in the Atlantic and the Pacific, and we know what has happened on the North Slope, ANWR. We have talked about that for a long time.

People do not realize public lands—90 percent—are off-limits, off-limits politically.

I have to correct some of the statements some people have made that conveniently misrepresented what our

reserves are. Instead of using ''recoverable reserves,'' they use ''proven reserves.'' That is a technical term. In order to prove a reserve, you have to drill and analyze and core and see how much oil there is. Obviously, if we will not let anyone drill, they cannot prove it.

When they say we only have 2 percent of the world's proven reserves, that is absurd because we have to drill to determine what that is. Other countries do not have that problem. We are the only country in the world that does not exploit our own resources.

People are going to have to realize that if you want to do something, it is such a simple thing to do deal with. It is supply and demand. There is not a person here or a person listening today who has not gone through the elementary experience in school of learning supply and demand. We have the supply in America and we have the demand. The politicians will not let us exploit our own resources. That is the problem we have. You do not have to overly complicate this issue.

It is interesting—and I hate to say it; I am not pointing fingers in a partisan way—when Democrats and the administration say: We are going to tax big oil, they say actually they are going to do away with some of the benefits big oil has. They are not benefits. These would be four huge tax increases the Democrats are doing on big oil. That is not big oil. That is oil, period. I will not go into the details of depletion allowances and percentages. It is not important.

The point is, they have the same benefit every other manufacturer has, and to single them out and say: We are going to punish big oil, all that is going to do is make the price at the pumps skyrocket. It gets right back to supply and demand.

By the way, those who are trying to use the argument that this somehow is going to produce revenue that is going to be used, I suggest even the White House's figures, the maximum revenue generated would be $4 billion. Keep in mind, they lose all the benefits, so that is not a net of $4 billion.

Take the State of Texas, for example. They do not have an income tax. They have the oil tax that has run that State very well for a long period of time. Senator MENENDEZ made a statement and said taxing the oil companies is not going to bring down the price of gas. They are not even claiming it will. I just think that when one sees such an obvious solution to the problem—just exploit our own resources—we are very foolish not to do that.

We all talk about the solutions to the problem. We talk about the spending of this administration, more debt increases in just the first 2 years of the Obama administration than the entire debt since George Washington, in the history of this country, the huge spending, the $5 trillion in the President's three budgets of deficit—I remember coming down and complaining in 1995, at this very podium, when the Clinton administration came out with a budget for fiscal year 1996 and it was $1.5 trillion. I said: We cannot sustain that level. Now it is $1.5 trillion in each of the three budgets, just the deficit. That is more than the entire United States of America back in 1996.

I suggest that when people say there are only two solutions to this problem, either reduce spending, which would be my choice, or increase taxes, which I would not do, I say there is a third option. That option is to do something about the cost of regulation. Right now, if we just take what the EPA is doing in five—in fact, I will say three of the major overregulations we are going over right now—people in the Senate know we have defeated cap-and-trade legislatively by massive percentages five times since 2003. This administration says: If we cannot have cap and trade, we are going to do it, not legislatively, we will do it through the EPA. That is what is going on now with greenhouse gases.

If you add up what the administration is doing in terms of the cost of greenhouse gas regulations, that is between $300 billion and $400 billion; on ozone, if they choose—and they said they are going to choose—the 60-parts-per billion standard, that would be $676 billion; the boiler MACT would be something in excess of $1 billion. Throw in utility MACT and cement MACT, it comes to $1 trillion. This is what I am trying to get at. I used the figure that for every 1 percent increase in economic activity, it produces new revenue of $42 billion. That has changed. According to the Congressional Research Service—they are bipartisan, they are factual—for every 1 percent increase in GDP, it produces $50 billion additional revenues.

If we just take these regulations and add them up, all the increase of costs to GDP of the three regulations I mentioned, that is $1 trillion. If we take the fact it is $14 trillion GDP in a given year, this would be 7 percent of that $14 trillion. For each 1 percent, it would be $50 billion. We could generate new revenue of $350 billion just by taking this overregulation out of our society.

One can argue: INHOFE, that is not true because these regulations have not passed yet. That is right, so it would probably right now be about half that. When the Obama administration came in and announced these regulations were coming, the manufacturers, the producers, those who are driving the economic ship were the ones who said that because of the uncertainty of these regulations, we are going to slow down what we are doing. If we were to lift all these regulations, I assure my colleagues we would be approaching, at least by 1 year, $350 billion. That is without a tax increase. That is without reducing spending.

We need to look at this realistically because this is an opportunity we have. A lot of people remember back in the days of Ronald Reagan. I can say the same thing back in the days of President Kennedy. Of course, he was a Democrat. They felt overregulation and high taxation was an inhibiting factor to slow down revenue. Of course, in the case of Ronald Reagan, the total revenue coming from the marginal rates of 1980 was $244 billion. In 1988, it was $466 billion. That was at a time when we had the largest reduction of taxes and regulations in this society. It is shown to be true over the years.

My bottom line is this: People know about spending. People know about taxes. They do not know about regulations. The people who are affected directly—the manufacturers—understand it. The figures I am using are actual figures we have gotten with which no one argues. The fact that $50 billion of increased revenue comes from each 1 percent increase in GDP is a fact that is supported by the CRS.

I offer that, along with our opportunity to become totally independent from the Middle East, with regard to our ability to run this machine called America.

Before I yield the floor, I see the Senator from Alaska. I hope he was listening to what I was talking about because the opportunities in Alaska are tremendous—26.6 billion barrels of oil. I am sure he understands that. I wish to make sure everybody else does.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF ARENDA L. WRIGHT ALLEN TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination of Arenda L. Wright Allen, which the clerk will report.

The assistant legislative clerk read the nomination of Arenda L. Wright Allen, of Virginia, to be United States District Judge for the Eastern District of Virginia.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate with respect to the nomination, with the time equally divided in the usual form.

Mr. LEAHY. Mr. President, I thank the majority leader for scheduling today's vote on the nomination of Arenda

L. Wright Allen to fill a vacancy on the Federal District Court for the Eastern District of Virginia. This is the fifth judicial nomination the Senate has considered since returning from the Easter recess. I hope this is a sign of progress. Another 11 judicial nominations are pending on the Senate's Executive Calendar, and with judicial vacancies around the country remaining above 90, we still have a long way to go to address the needs of the Federal judiciary.

Arenda Wright Allen's nomination has the strong support of both of her home State Senators, Senator WEBB and Senator WARNER. When she is confirmed, Ms. Wright Allen will become the first African-American woman to serve as a district court judge in Virginia. Her nomination was reported unanimously by the Judiciary Committee over a month ago, along with that of another Virginia nominee, Michael Francis Urbanski, who has been nominated to the Western District of Virginia.

In her 25-year legal career, Ms. Wright Allen has served as a Federal defense attorney, a Federal prosecutor, and a military attorney. She is currently a supervisory assistant Federal public defender in the Eastern District of Virginia having previously served as an assistant U.S. attorney and in the U.S. Navy's Judge Advocate General's Corps. It is vital to have men and women serve as judges who have been prosecutors and defense attorneys. This nominee has been both, and I am sure her experience will serve her well when she is confirmed.

Recently, Republican Senators have tried to twist qualified nominees' litigation experience against them. Their partisan attacks are not consistent. Republicans oppose some nominees by saying that they do not have sufficient litigation experience. When a nominee has extensive experience and is a successful trial lawyer, they reverse themselves and complain that the nominee has too much experience and will be biased by it. They opposed Judge McConnell of Rhode Island on this supposed ground. They opposed Judge Chen of California despite his 10 years as a fair and impartial Federal magistrate judge. I hope they will not now oppose Ms. Wright Allen because she served as a Federal public defender. All of these nominees have assured us that they understand the difference between being an advocate for a client and serving as a judge. I have no doubt that they do.

With continued cooperation from both sides of the aisle, the Senate should also consider the other 11 judicial nominees ready for final Senate action. We should certainly proceed with the judicial nominees for whom there is no opposition and no reason for delay. That would allow us to confirm another seven nominees. They have all been thoroughly reviewed by the members of the Judiciary Committee and have all been recommended to the Senate unanimously. They are Judge Urbanski; Clair C. Cecchi to fill a vacancy in New Jersey; Esther Salas to fill another vacancy in New Jersey; Paul Oetken and Paul Engelmayer to fill vacancies in the Southern District of New York; Ramona Manglona to fill a vacancy in the Marianas Islands; and Bernice Donald of Tennessee, to fill a vacancy on the Sixth Circuit.

I also hope that we can soon consider two of the nominees currently awaiting a Senate vote who have twice been considered by the Judiciary Committee and have twice been reported with strong bipartisan support, first last year and again in February. They are Susan Carney of Connecticut to fill a judicial emergency vacancy on Second Circuit and Michael Simon to fill a judicial emergency vacancy on the District Court in Oregon. We should also consider the nomination of Goodwin Liu to fill a judicial emergency vacancy on the Ninth Circuit, a nomination we have reported favorably three times, and the nomination of Caitlin Halligan to fill a judicial vacancy on the DC Circuit, which we reported favorably over 2 months ago.

All these nominees have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution. They should have an up-or-down vote after being considered by the Judiciary Committee and without additional weeks and months of needless delay.

Federal judicial vacancies around the country still number too many, and they have persisted for too long. Whereas the Democratic majority in the Senate reduced vacancies from 110 to 60 in President Bush's first 2 years, judicial vacancies still number 91 over 27 months into President Obama's term. By now, judicial vacancies should have been cut in half, but we have barely kept up with attrition. If we join together to consider all of the judicial nominations now on the Senate's Executive Calendar, we would be able to reduce vacancies to 80 for the first time since July 2009.

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

We have a long way to go to do as well as we did during President Bush's first term, when we confirmed 205 of his judicial nominations. We confirmed 100 of those judicial nominations during the 17 months I was chairman during President Bush's first 2 years in office. So far, well into President Obama's third year in office, the Senate has only been allowed to consider 82 of President Obama's Federal circuit and district court nominees, well short of 205.

The last 2 weeks are a sign that the Senate can consider these nominations. We must work together to ensure that the Federal judiciary has the judges it needs to provide justice to Americans in courts throughout the country. Judicial vacancies throughout the country hinder the Federal judiciary's ability to fulfill its constitutional role. That is why Chief Justice Roberts, Attorney General Holder, and the President of the United States have spoken out and urged the Senate to act.

I congratulate Ms. Wright Allen and her family on her confirmation today.

The Senator from Alaska is recognized.

Mr. BEGICH. Mr. President, I ask unanimous consent to speak as in morning business and that the time be counted against the Democratic side.

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

ENERGY SECURITY

Mr. BEGICH. Mr. President, I say to my friend from Oklahoma, absolutely, I am aware of the quantity and value of Alaska oil and gas today. I rise to discuss this issue, as well as a few others related to the issues of oil and gas.

I rise to discuss an issue foremost on the minds of my constituents and a concern to all Americans: the rising cost of energy. I wish to outline the proposals aimed at providing short-term relief for high prices at the pump and to ensure America's long-term energy security. These are the issues which have been discussed many times in this Chamber. The time for talk has passed. The time to act is now. High energy prices today already are pinching the pocketbooks of families and crippling our small businesses across my State and across this country.

When I was home over the recess, I visited the roaded areas of Alaska. These are communities connected by our highway road system, from Kenai Peninsula to Fairbanks, where gas prices are well over $4 a gallon. As one can see on the poster next to me, they range from $4.15 to $4.45 a gallon. These prices might look good to some of my colleagues who saw gas prices over $5 a gallon in their States, but off the road system in Alaska prices are much higher. The fact is prices for gasoline and home heating oil never came down in rural Alaska. They have been well over $5 a gallon for years. Some places, such as Anaktuvuk Pass are nearly $10 a gallon.

I started a discussion with Alaskans on Facebook to just see how these high prices are affecting their budgets.

Some families are already facing tough choices to make their budgets balance. For families commuting into Anchorage from the Mat-Su Valley every day, they are forced to pay more than $100 a week to fuel up. That is

more than a pocketbook pinch, it is a punch.

Even worse, families know the price isn't coming down anytime soon. Even though speculation ranges all over the place, prices are expected to rise still another 30 to 40 cents by July.

Mr. President, families know the price of fuel is not coming down anytime soon. As I mentioned, it is continuing to rise. It is not just affecting families but businesses. They feel the sticker shock also at the pump. We are seeing businesses through rising food and delivery prices making up the difference. These families and businesses expect us to act now. No more excuses.

Energy is one place where we should be able to find bipartisan common ground. I have been calling for a comprehensive energy bill from day one in the Senate. Our lack of progress is frustrating. We were real close last spring, but now here we are again.

We need to provide Americans with reliable and affordable energy in three ways: short-term relief for consumers, new renewable energy sources for reliable electricity prices and keep strong investment in alternative transportation systems, and increase domestic oil and gas production so we are not dependent on unfriendly foreign sources.

First, the short term, which I call the pocketbook relief. We must help families keep their budgets balanced and help ensure that increasing consumer confidence doesn't falter. To do that, I have introduced the Family Account to Save on Transportation—or the FAST Act—to help families get through high gas prices over the next 2 years.

This bill will allow us to set up pretax transportation savings accounts—just like medical savings accounts—to help offset the pain of high gas prices on the family pocketbook. The bill would sunset in 2 years, so it would have no long-term burden on the Federal budget.

Second, we have to bring online alternative power sources to buffer power companies from price shocks of rising oil and gas prices. No matter where you are in Alaska, you don't have to go far to find alternative energy sources—wind, tidal, geothermal, and hydro. Even in these tough budget times, this is a good investment to strengthen our economy far into the future.

The same is true for alternative transportation systems and fuels. We must fully support efforts to develop electric, hybrid, and highly efficient vehicles. At the same time we must recognize most working families cannot afford to purchase a new vehicle. So we need to find other ways to reduce their transportation costs, such as greater investment in city-to-city commuter services.

The recent investment in high-speed rail is positive but is not reaching most of the country, and will not. Even in Alaska we have the potential for commuter rail. It is critical to move commuters from city to city and cut the $100-a-week gas prices folks from Mat-Su pay as they drive into Anchorage for employment.

Solving our energy security challenge cannot just focus on reducing consumption. Yes, it is important. But we must cut the use of fossil fuels in all sectors—as identified through consumption, especially transportation—but we also need to increase our domestic production.

Every new oil and gas development buys our country more energy and national security while also creating American jobs. Unfortunately, we are going in the wrong direction. Thirty years ago, 28 percent of our oil was imported; today it is 60 percent.

While our largest share of oil imports comes from Canada, too much is coming from unstable countries or those openly hostile to the United States. Not only will we become increasingly dependent on these countries for our oil, we are exporting over $1 billion a day. Let me repeat that: We export $1 billion a day.

In my home State of Alaska we have vast potential to increase America's energy security. The fact is, developing Alaska's oil and gas resources buys our country decades of energy security by offsetting foreign imports from unfriendly countries.

Consider a few examples which I have reflected on the board next to me.

Developing offshore resources in the Chukchi and the Beaufort Sea will produce 1.8 million barrels of oil a day. This is easily enough to offset oil imports from Saudi Arabia. We could even cover Iraq too. Developing the oil beneath the Arctic National Wildlife Refuge, ANWR, could offset imports from Nigeria. Developing the CD–5 project in the National Petroleum Reserve-Alaska—the National Petroleum Reserve-Alaska, set up for petroleum products and production—and BP's Liberty project could replace daily imports from Libya.

This does not even include the tremendous onshore and offshore natural gas resources we have in Alaska. One-third of the country's supply is in Alaska. So why aren't we developing these enormous resources in my State? Two words: politics, bureaucrats.

Mr. President, earlier this year President Obama went to Brazil where he declared that America wants to be a customer for Brazilian oil and natural gas. I have to say, we don't need to go to Brazil to do that. We can do it right here in Alaska, with our people, our resources and our opportunities. I reminded the President of that, and I will remind him on a regular basis. To his credit, I will say later in the month he did mention Alaska. In his call for energy and domestic energy independence, he mentioned Alaska.

Unfortunately, the bureaucrats in his administration are not listening. They are tossing up barriers to additional Alaskan oil and gas production every chance they get. Sadly, some of my colleagues in this body are not much better. Instead of addressing the problem with specific solutions, they are going for headlines by dragging energy company executives before committees or proposing the rollback of incentives for increased domestic energy production, some of which have been on the books for decades.

Let's stop the headline grabbing and get serious about energy security. I have three ideas: First, better coordinate the Federal offshore permitting process. I introduced legislation before our recess to create the Arctic OCS Coordinator, modeled after legislation the late Senator Ted Stevens passed establishing a Federal gas pipeline coordinator. My bill addresses the problem too many projects are caught up in.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BEGICH. I ask unanimous consent for an additional 3 minutes.

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

Mr. BEGICH. Too many projects are caught up in what I call the ''regulatory whack-a-mole.'' You think you have smacked down one regulatory hurdle and another one pops up. My bill would give authority to work across the agencies causing companies so much heartburn today—the EPA, the Army Corps of Engineers, and the Department of the Interior, just to name a few.

Second, let's align the clean air standards for offshore drilling permits among the affected Federal agencies. We must have a level playing field whether you are in Alaska or the Gulf of Mexico or the Eastern United States.

As my colleague from Louisiana knows—who is here joining me on the floor—Louisiana has one rule, and Alaska has another rule for the same issue.

Third, let's invest in American transportation and safety infrastructure to develop oil and gas resources in frontier areas. The fact is, we need a far greater Coast Guard presence in the Arctic for oilspill prevention and response.

We also need to invest in our pipeline infrastructure, including the Alaskan Natural Gasoline, to move oil and gas resources from the Arctic to other U.S. regions.

There is a lot of talk right now about ending tax incentives for the oil and gas industry. With the high profits right now, these companies are easy targets. But one thing every Alaskan knows—just because you have an easy target doesn't mean it is the right thing to shoot. It would not decrease gas prices at the pump for our families and our small businesses. It will discourage companies, especially the independents, from domestic investment and job creation.

As someone who represents a State with the highest energy prices in the country, and some of the best renewable and traditional energy resources, I am ready to join my colleagues on both

sides of the aisle to address America's energy needs now. We need to set a hard target. That is why I am asking my colleagues to get serious about a real energy plan and give Americans freedom from high gas prices by the Fourth of July.

Let's work together, roll up our sleeves and pass a real comprehensive energy plan our families and our small businesses can get behind. Let's finally invest in our energy future and put the reforms in place for our long-term energy security.

Mr. President, I recognize my colleague from Louisiana—another great State for oil and gas development—is on the floor with me, and I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my colleague from Alaska for asking me to join him in a general presentation and potential colloquy between the two of us about the importance of continuing our support for oil and gas production in the United States by the large international companies that have operated in our country and around the world now for many years, as well as by the hundreds, if not thousands, of independents that operate doing the same.

There is going to be a bill that will be debated in the Senate Finance Committee tomorrow. It is S. 940, sponsored by the Senator from New Jersey, our colleague, Senator MENENDEZ. I want to go on record in strongly opposing it, and I will give some reasons why, and I urge my colleagues, when this bill comes up—which I understand it will come directly to the floor of the Senate without being heard, as is tradition, in the committee—to vote it down.

I doubt the bill, in its current form—or in any form that it could be modified—can get the 60 votes necessary for passage, but I would like to add my strong voice in urging my colleagues to read this bill, to look at it and understand the inherent unfairness in it, the lack of significant deficit reduction, and the fact that it will not—although it is being touted to do so—reduce gasoline prices by one penny.

Mr. President, I want to start with some facts that people might find very interesting, or hard to believe, based on the political rhetoric they have been hearing from the sponsors of this bill and others in the Senate. The story line goes something like this: Big oil makes huge profits at the expense of everyone. They pay virtually nothing in taxes, and we subsidize them. Why are we doing this? Why don't we stop?

I think it would be good to get a few things clarified for the record. It may be surprising to American taxpayers to know that of the $16.6 billion spent on U.S. energy subsidies over the course of 1 year, oil and gas subsidies account for less than 13 percent. I want to say that again. Of the $16.6 billion spent on U.S. energy subsidies over the course of 1 year, fuels such as renewables, refined coal, nuclear, solar, hydro, et cetera, account for 85 percent. Oil and gas is less than 15 percent—actually, 13 percent.

Now, you would think because of this bill, S. 940, that big oil and gas companies are getting all the subsidies, making all the profits, paying no taxes, and the rest of us are suffering. Nothing could be further from the truth.

Let me repeat: This bill, S. 940, is going to repeal virtually all subsidies from one industry, and one sector of one industry—oil and gas companies—but they only get 13 percent of all the energy subsidies.

Why aren't we talking about the other 85 percent? Some of them—in some people's minds—create some harm to the environment, whether it be dams blocking up rivers so fisheries are extinct or whether it is coal that has its own issues. Of course nuclear doesn't have any problems. We must not be paying attention to what is happening in Japan. Why are we singling out one sector of one part of the energy industry to repeal the subsidies when it will, in fact, have the opposite effect of reducing gasoline prices? Even one of its cosponsors said publicly for us not to be fooled, this will not reduce gasoline prices. Why are we doing it? Will it create jobs? No. It will actually hurt job production in the United States.

According to the EIA study—which is the U.S. Government, not a company—published in 2008, the oil and natural gas industry received 13 percent of the subsidies while producing 60 percent of the energy. Let me repeat. This industry got only 13 percent of the subsidies but produced 60 percent of the energy. But the bill, S. 940, is going to be debated in the Finance Committee where the industry leaders are going to be called to talk about this gimmick, 940, but the oil and gas industry, with their independent counterparts, produced 60 percent of the energy.

I would like to say where exactly that energy comes from because it really is a bone of contention. The Senator from Alaska will appreciate this. The sponsor of this bill represents a State that is one of the highest deficit energy-producing States in the Nation because some of us do this better than others. Louisiana produces a lot of energy. Alaska produces a lot of energy. Texas produces a lot of energy.

Some States like to consume a lot and produce nothing. That would be like some of our States that put some of their land in agriculture so they can produce food—other States saying: We don't want to produce food, but we expect you to provide it to us—provide it to us when we want it, how we want it, and for the price we want it. And I am tired of it, and so are the people I represent.

I want to put this deficit chart up here. We have seen a lot of deficit charts about deficits of infrastructure, real deficits of money, debt. Let me talk to you about the deficit and the debt owed by some States in this Union that consume a lot, talk a lot, and produce nothing.

California has the greatest deficit. It consumes a tremendous amount of energy, and the imbalance is the highest. It produces the least, consumes the most. To California's benefit, before Senators FEINSTEIN and BOXER run down here to argue this point, I want to concede this one point: California has been on the forefront of energy conservation and efficiency. This chart does not recognize them for that, but I will concede that point, and I am going to have some further data to explain that. California, while it doesn't produce a lot of energy—it consumes a tremendous amount—at least California has been in the forefront of savings and efficiency because there are a lot of States up here that don't produce, don't conserve, are not efficient, and all they want to do is yell about high gas prices. Why don't you do something about it?

Florida is a perfect example. Florida has a net deficit in Btu's. I guess it is 3.889 billion. Florida is a great example. I don't think Florida does much in nuclear. I don't think they do much in hydro. They have a lot of Sun; I don't know how much solar they are doing. They will not let anybody produce oil and gas on or off their shores, but they sure fill up a lot of their gas tanks every day. They sure fire up those hotels and those restaurants with that energy. Where do they get their energy from? If it weren't so serious, it would be laughable. They have a gas line that goes from Mobile, AL, to the Florida peninsula. We pump the gas out of Louisiana, Mississippi, and Alabama, put it in a pipeline, and ship it under the Gulf of Mexico so they can light up their State. Would they ever think of putting in an oil and gas well or building a nuclear powerplant? If they can't do that, why don't they conserve their energy?

New York is another user of energy which produces very little; Ohio, Georgia, New Jersey, North Carolina, Michigan, and Illinois. Some of these States, such as New Jersey and Michigan—think about what they look like. They have big factories, they have big industries. Michigan is home to the automobile industry, so they use a lot of gas in producing things we all use, so we want to give them credit for that. But still the fact remains that Michigan uses a lot more energy than it produces.

Then you get down here to what I call the gold-star States.

We get criticized so much, we are treated like we are some sort of pariah sometimes, but I think we do a great job—Kentucky, Alaska, New Mexico, Louisiana, West Virginia, and Wyoming. Alaska is up here somewhere—Alaska is right here. Kentucky, Alaska, New Mexico, Louisiana, West Virginia, and Wyoming. We produce enough energy for everybody in our State, what we need, and we export it to everyone else in America who needs

it. And what do we get? We get bills like this that go after, directly, the big companies in our State, that work in our State, to somehow put them in a position to make them feel as if they are not really good companies, they are not American companies, they don't pay tax, they get all these subsidies. I am going to read into the record what taxes they pay. It is going to surprise you. Then, on top of that, we get moratoriums, we get permatoriums. We can't even drill for the oil we have. We can't even look for the oil we might have.

When I go home, my people ask me—and it is a very hard thing for me to answer, and maybe they ask Senator BEGICH the same thing—they say: Senator, since we do so much to produce energy for the country, why do we pay $4 a gallon for gasoline and sometimes we pay a little bit more than everybody else? They don't produce anything, Senator. Why do we pay so much?

Can the Senator tell me what he answers his people because I don't know what to tell them other than this place is a little screwed up. Until I get an answer for that, and I will ask the Senator—go ahead, what do you tell them?

Mr. BEGICH. That is a hard one to answer because they see the oil flowing. As I mentioned, we have $10-a-gallon gas in some of our communities—$10 a gallon. So it is hard to explain that, yes, we are the big producer, but the rest of the country then picks on us.

I am just listening, and it is unbelievable, the green slice you have there.

Ms. LANDRIEU. I say to the Senator, because he raises an excellent point, President Obama is not the first President to go overseas and ask them to produce more oil to send it to us. This goes on—President Clinton did it. President Bush did it. We beg Saudi Arabia to produce more energy. We ask OPEC to please don't tighten it so much so our prices—why don't you go to the local OPEC or the local producers, which are Kentucky, Alaska, New Mexico, West Virginia, Louisiana, and Wyoming? Why don't you help us produce more, because we can do it. But we get shut down by bureaucracy, moratoriums, permatoriums, rules, regulations, EPA, refuges. We can't even get free to produce the energy that we can produce for this country. Then you have all these middle States that do a fairly good job on balance.

But I tell you, if we passed a law here that said every State in America had to produce the energy it needed, we would have an energy policy all right, Senator BEGICH knows. I don't know what it would be, but it would be an interesting rule, you know, just like in the old days—if you wanted food, you produced it. It would be a great law. Every State in America, all 50, if you consume energy, you need to produce something. You could produce it by wind; you could produce it by hydro; you could produce it by nuclear; you could stop driving your automobiles and have everybody walk; you could give everybody a bicycle. We don't care. Just eliminate the energy deficit. That would be a very interesting discussion to have, and I might even file a bill like that because this one is so ridiculous, people might actually read the one I would file.

Let me give a couple of other stats, and then I know I am exceeding my time. I want to ask for 2 more minutes. I want to put to rest this issue that the big oil companies don't pay any taxes.

This is from Forbes magazine, so take it as it is. It is slanted toward industry, I give you that. It is not left of center, it is right of center, sometimes very right, but I think you can check these figures with anybody else. I am assuming they are accurate. This is for the top 20 most profitable U.S. corporations in 2010.

ExxonMobil's net income was $30 billion. Their tax rate was not 10 percent, not 15 percent, not 25 percent, not 35 percent—a 45-percent tax rate. Their estimated worldwide tax bill was $90 billion. Of $10 billion in total taxes paid in the United States, $3 billion was income tax. Let's go on. ConocoPhillips' tax rate was 42 percent; pre-income tax, $19.8 billion; net, $11.4; tax rate, 42. Chevron was 40 percent.

So let's review: Exxon, 45 percent; Conoco, 42; and Chevron, 40. Do you want to know what Google was? Google is a pretty big company. They don't produce oil and gas. They have another line of business. Their tax rate was only 21 percent.

Let's take Hewlett-Packard—not in my State, in other parts of the country. Their headquarters is not in the South. Their tax rate was 20 percent. Apple Computer's tax rate was 24 percent.

People will say: It is not just the rate; it is what you paid. But I think if you look—Coca-Cola, very big company, their tax rate was down to 16.7 percent.

Does this make sense? No. So that is why we need tax reform, significant transformational tax reform, so all big companies pay similar in taxes and we eliminate some of these loopholes that don't make sense. I could be for that. I could be for that when we are talking about Google, Apple, GM, GE, ExxonMobil, and Chevron. But if you are going to ask me to stand here and pick on one industry that pays billions of dollars in taxes, that only gets 13 percent of the energy subsidies, that hires—350,000 people in my State are hired by oil and gas companies or their contractors or affiliates, large and small, not just the large. And when I see what our people produce and these States produce nothing, or virtually nothing, and you ask me can I vote for a bill like this? No. Not only can I not vote for it, it is laughable.

I hope the Senator from Alaska and I—I know we are going to be the skunks at the garden party because, as Democrats, to be against this bill, it is going to be because we just have to coddle this industry. I don't coddle this industry. I am holding BP's feet to the fire. I want Exxon to pay the tax they owe. I want Chevron to pay the tax they owe. I want this President and this administration to stop the moratorium and the permatorium in the gulf. I want to get our people back to work.

I would much love to reduce gasoline prices, and one way we could do it is if cars did not have to be so dependent on gasoline. Why don't we give a significant subsidy to produce different kinds of automobiles? I would vote for that. I have voted for that. If you had a car right now running on natural gas, you would be paying the equivalent of $2 a gallon for gasoline at the pump. That is much better, I say to the Senator, than $10. Why don't we take some money and invest in natural gas vehicles or more incentive for electric vehicles? If people are really serious about breaking the back of OPEC, then start building the kinds of automobiles and infrastructure in this country necessary to do it and stop introducing gimmicks such as this that might get you a few political points in the short run, but it is not leading us in the right direction.

Having beat up on the Democrats, let me say something about the Republican side.

All they want to talk about is drill, drill, drill. We cannot drill our way out of the situation we are in. Do I want to drill more? Yes. Do I think there is more than 2 percent of the world's oil and gas in America? Yes. But you know what? You have to look for it in order to find it.

We are under certain provisions—the Senator knows in Alaska, we cannot even go look for the oil and gas we might have. The Senator might want to talk about that, and I am going to close in a minute.

Mr. BEGICH. To the Senator from Louisiana, let me say, when you describe the moratorium or whatever they call it in the gulf, it is even worse in the Arctic, or even on, as I mentioned when I had the map and I showed the National Petroleum Reserve. That is not a name picked out of the sky by the industry. That was set aside by the government to prepare our country for more energy independence decades ago.

We cannot even get a permit to go across—in some places, they call it a stream. But everyone else now calls it a big river. It is not. It is a very small area. But a bridge to go over to explore for what you described—we cannot even get onto the land the government set aside that would then determine if we have oil and gas. We believe there is, because obviously they have—it is set aside as the National Petroleum Reserve.

But the other piece to this—the Senator hammered away on it and I agree with her—if we are skunks at the garden, so be it, because it is a question of

fairness. As the Senator described the 13 percent of the subsidies or incentives they receive, they produce 60 percent of the energy. But her other statistic is even more dramatic.

Of the remaining 87 percent of those subsidies, they only produce 40 percent of the energy. If this were a business, you would eliminate that part of the equation because it does not give a good return on investment. But we are still doing that, because there is a lot of politics being played.

The point on the tax issue. Like the Senator, I think there should be an overhaul to this tax system. But picking on one industry because it sounds good, rates good in the polls, gets you a couple of headlines, is not what the American people want us to do here. If anything, they are getting fed up with that.

What they want us to do is sit down and, as you have described so eloquently in the description of the country, you bet, I would love every State to do it, produce. Then they would see what we go through. Because we are a collective group of States, we do our part, but we should not be picked up because we do more than our share, because we are trying to help out States that are producing vehicles or producing, you know, a lot of chemical industry, and other things, or the pharmaceutical industry. We can go through those lists that somehow do not end up on these, getting rid of their subsidies.

Your point is right on. If there is anything we should be doing right now—I agree with the Senator—it is the issue of—when I open the paper and I see administration officials, current and past, saying the way we are going to control our energy cost is talk to Saudi Arabia. Is that our energy policy? Because that sure the heck is one that, one, does not create one job here; two, is the worst national policy from a national security perspective; and, three, it is foolish, as I mentioned earlier, that we export $1 billion a day out of this country to buy from countries—and in some cases good allies. Canada is a good example. Some of these countries are not our friends, but we are giving them cash so they can then use it against us. It does not make any sense. You are right, this piece of legislation they have put down without a committee process on it is a gimmick; a gimmick to get the next week of activity, get some press out there. But we have to be serious.

I appreciate the Senator yielding for me to rant a little bit. I am glad you said the part too, the assumption is that these companies pay no taxes, that somehow they get the subsidies and they pay nothing. You bet you they are profitable. They are big companies. They are huge companies. But they pay taxes in the billions to the Treasury of this government. When you listed out all of those differential rates, that is again why we need tax reform. Then I am happy to have this discussion, but not singling out an industry because it is a good political score and good fodder for the newsprint and everything else. I appreciate the Senator yielding me a few more minutes to ramble there a little bit.

Ms. LANDRIEU. I thank the Senator. I wish to ask the Senator a final point. We are going to hear tomorrow speeches given about America is at the highest production levels ever. That may be true. But it is true for a very short period of time—maybe the next month or two—because as you can see, there is going to be a precipitous fall. Why? Because of the Deepwater Horizon, the shutdown in the Gulf of Mexico. Even though people say we are at the highest production levels we ever have been, it is going to be temporary. Then the production levels are going to decline down to the lowest level since 1997.

I want people to understand, we are not on a path to produce more in America. We are on a path to produce less. And taking all subsidies away from the five major international oil companies is not going to change this line. It is going to make it continue to go down. It is not going to reduce the price of gasoline at the pump, not by one penny. It is not going to get us on the path to a strong, sound energy policy.

I will say in conclusion, should some of these subsidies and tax credits be looked at? Yes, in a comprehensive format. And I will say, I will be open to the ones that are the least effective, the least necessary, and are fairly applied across companies such as Google, AT&T, GE, and other companies. I will be happy to do my part. People in Louisiana will do our part.

But we are not, along with Texas and Oklahoma and Alaska, going to take it all on our shoulders. We have had enough. We have had high water. We have had high wind. We now have a high river. We have a moratorium. We have a permitatorium, and now we have no more subsidies.

At least they left the independents out. I want to thank them for not putting independent oil and gas companies in this bill. But still, the big five pay a significant amount of tax. They take a smaller percentage of the overall subsidy. I think we need to do this in a fairer way.

I am yielding my time.

Mr. BEGICH. If I can make one last comment, the chart that you have up there, there is one other piece on there. It is the Alaska oil pipeline. We are at a little over 600,000 barrels a day going through there. We are losing 6 to 7 percent a year in volume, and it will not be a question—somebody will say: Well, you will get down to zero and then you will stop the pipeline. No. No. When we get down to a level of 300,000 or 400,000 barrels, then it will be questionable if we can even run the line. Then you can actually potentially shut off the whole volume. So the chart there is important because we have to look at the long term. Because if we decide today to have a comprehensive energy plan that includes conservation, alternative energy, renewable energy and, yes, domestic production, the Senator from Louisiana knows, as I know, you cannot walk down the street and say, we are going to start drilling tomorrow and suddenly, voila, there is fuel. It is a 7- to 10-year process. So that chart is a critical chart, because in order to reach that decline, you have to start doing something today. Unless we decide the policy of this country, what the energy policy of this country is, we will pick up the phone and we will call Saudi Arabia, Nigeria, Iraq, Iran, Libya—that is the list, that is our policy—then so be it. I think that is the worst policy we could have ever for this country.

Again, thank you to the Senator from Louisiana. Again, if we are skunks at the garden, my view is we will be good-smelling skunks.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, today the Senate continues its very rapid pace to confirm another of President Obama's judicial nominees. The Judiciary Committee's workload has not slowed since this Congress convened. I am pleased to report we are ahead of the pace of the 108th Congress. With this vote, the Senate will have confirmed 22 nominees in just 47 days. That is a rate of one judge almost every other day of Senate session. We have confirmed 32 percent of President Obama's judicial nominees this Congress compared to only 29 percent of President Bush's confirmed during the same time period.

We have also reported out of committee another 11 nominees. We have reported out of committee 46 percent of President Obama's nominees sent to the Senate this year. That exceeds the 38 percent of President Bush's nominees reported out during a comparable period.

Furthermore, we have held hearings on 10 nominees. Some of those, I expect, will be reported out of committee at our markup scheduled for tomorrow. In total, we have taken positive action on 43 of 71 judicial nominees submitted this Congress or approximately 61 percent of all nominees. I hope these facts will put to rest, once and for all, any complaints that we are delaying or obstructing judicial nominees.

There are currently 89 vacancies before the courts. Yet the President has not sent nominees for 51 percent of those vacancies. He has, however, sent the Senate four nominees for seats which are not yet vacant. This is perplexing to me since the current vacancy rate is 10 percent. I would think

the White House would concentrate on current vacancies. Nevertheless, we simply cannot confirm nominees who do not exist.

I have a few remarks regarding the nomination we are voting on today—Arenda Lauretta Wright Allen, who is nominated to be U.S. district judge for the Eastern District of Virginia. Mrs. Allen received her B.A. from Kutztown State College in 1982 and her juris doctorate from North Carolina Central University School of Law in 1985. Following law school, she was commissioned into the U.S. Navy as an ensign. She served there as legal intern in the Naval Legal Service, Office of Judge Advocate General's Corps. In the same year, she was promoted to lieutenant and became a defense attorney for the Navy. In 1988, the nominee became the staff judge advocate at the Naval Air and Engineering Center, where she was the sole legal advisor to the commanding officer.

Leaving the Navy in 1990, Mrs. Allen joined the U.S. Attorney's Office for the Western District of Virginia as an assistant U.S. attorney. In 1991, she moved to the Eastern District of Virginia, where she remained for the next 15 years as an assistant U.S. attorney. In 2005, the nominee left the U.S. Attorney's Office to become an assistant Federal public defender with the Federal Public Defender's Office for the Eastern District of Virginia. The American Bar Association Standing Committee on the Federal Judiciary has given her the rating of majority ''qualified'', minority ''well qualified.''

I congratulate the nominee and her achievement and public service. I urge my colleagues to support this nomination. Hopefully, it will be supported unanimously.

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.

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

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

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

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

Ms. STABENOW. I understand we are in the time of our Republican colleagues, so I would just indicate that if we have a Republican who comes to the floor during that time, I will certainly be glad to stop and yield to them.

GAS PRICES—PAYING TWICE

Mr. President, I wish to speak about something that is incredibly important to the families and businesses of Michigan—I am sure it is true in Pennsylvania as well—and that is the great concern about what is happening in terms of gas prices going through the roof right now. We have families that are paying as much for gasoline at the pump as they are paying for their health care and almost as much as they are paying for groceries right now to put food on the table for their families.

What adds insult to injury is that we are seeing an industry, the top five companies with the highest profits ever, also receiving taxpayer subsidies. So we pay twice. We pay at the pump in outrageous prices, and we pay again when we are paying as taxpayers to support an industry that clearly does not need to be subsidized.

We are involved in a major debate right now about what to do about a very large deficit. I was here when we balanced the budget in 1997, when I was in the House, and I was proud to do that. I was here when we had the largest surplus in the history of the country. In 2001, a number of things happened, including policy decisions that put us back into a deficit. So we have to dig out again, and it is very serious.

So the question is, What are our priorities? Our Republican colleagues in the House have said their priority is to eliminate Medicare as we know it—eliminate Medicare and balance the budget on the backs of tens of millions of seniors in our country. In the Senate we are saying: Wait a minute. Let's start with taxpayer subsidies, some of which have gone on for 70 or 80 years that are now being given to an industry that is the most profitable in our country and probably the world and that clearly do not need taxpayer subsidies. Why don't we start there. By the way, let's make sure we are sending a clear message that we don't appreciate paying twice. We don't appreciate paying at the pump and at the same time paying through our taxpayer dollars.

When we look at the numbers, just in the first quarter of this year, it is staggering. We certainly don't begrudge industry profits, although with the gas prices going up, what we are talking about now are consumers getting gouged in the face of these numbers. But we are talking about $35.8 billion in total profits in just 3 months for the top five oil companies in America. These folks are asking us to subsidize them on top of that. So our message, and what we will be voting on next week, is a message that says: That check for $4 billion a year, we are going to void it. We are done with that—no more taxpayer subsidies for an industry that clearly does not need it.

What we need to be doing are a couple things. First of all, we need to create real competition at the pump. We need to create competition that maybe doesn't require a pump or at least not very often. In my great State of Michigan, we are making new, terrific, award-winning automobiles that are electric vehicles—the Chevy Volt, the Ford Focus, other hybrids—that are winning awards, top-quality vehicles that are going 100 miles or 200 miles on a gallon of gas. Real competition is what we need, investing in alternative vehicles, alternative fuel vehicles for the future, including jobs. I am very excited about the announcements being made now—in fact, on Friday by General Motors about expanding their operations—and to see what Chrysler and Ford are doing is very exciting. It is jobs for us, and it is real competition for the oil companies that know right now the only choice we have is to pay whatever price they put up at the pump.

We have begun to create some other choices, and we need to continue to support those. I find it so interesting that we are going to be debating shortly whether to support ethanol and EA5 and the ability to create some alternative to gasoline at the pump. There will be those who will argue: Well, we have supported them for a few years now. They are a maturing industry. They no longer need support; that is, maybe 5 years, 6 years, 8 years, 10 years. We are talking 70 or 80 years, a subsidy that is now going to the largest, most profitable companies in our country and probably the world. Yet because of sheer politics and nothing else, we have not been able to get these subsidies stopped.

Taxpayers in our country are saying we need to make better choices to balance the budget. We need to decide what is important, what is not important, and we need to cut the things that are not important. Clearly, subsidizing the top five big oil companies in this country is not a priority when they are making huge profits. We should be investing in what will, first of all, bring down the debt because we are taking away this $4 billion and using it to pay down the debt. We should then make choices about how we do create jobs and create alternatives in clean energy manufacturing, alternative fuel vehicles, whether it is advanced biofuels, natural gas, clean diesel, electric vehicles. We have a lot of choices we need to present to consumers so they can get off the price-gouging efforts that are going on at the pump.

There is another issue as well. We have heard from the companies that they need to be able to drill more. Yet at the same time, we know there are 60 million acres under lease by the oil companies. They hold on to 60 million acres right now that are oil and gas leases where they are not drilling. They hold on to them, maybe because they don't want their competitors to get them, but they are not drilling. So I strongly support, and I am pleased to cosponsor, Senator MENENDEZ's legislation that simply says use it or lose it—use the leases you have for domestic drilling in America or lose it.

I also held hearings, as chair of the Senate Agriculture Committee, to focus on and investigate how much market manipulators are driving up prices and to explore ways to strengthen Americanmade biofuels industries and other alternatives to foreign oil because our farmers are very much a part of the solution for the future.

So there is much we can do to create real consumer choice, get off of foreign oil. But part of our deficit reduction effort should start by eliminating the outrageous subsidies that are going to the top five oil companies in America. We should stamp this check ''null and void.''

Mr. President, I yield back.

The PRESIDING OFFICER (Mr. MERKLEY). The question is, Will the Senate advise and consent to the nomination of Arenda L. Wright Allen, of Virginia, to be United States District Judge for the Eastern District of Virginia?

Mr. SCHUMER. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Louisiana (Mr. VITTER).

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

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

[Rollcall Vote No. 69 Ex.]

YEAS—96

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

NOT VOTING—4

Cochran	Rockefeller
Murkowski	Vitter

The nomination was confirmed.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF THE WOMAN'S CLUB OF BETHESDA

• Mr. CARDIN. Mr. President, today I invite my colleagues to join me in celebrating the 100th anniversary of the Woman's Club of Bethesda, MD. The club, a nonprofit organization, was organized on May 27, 1911. It was founded by seven women for the purpose of promoting civic activities and welfare in the neighborhood. Those activities included assistance and fundraising for schools, churches, and hospitals. Club members selected the American Beauty Rose as their flower; ''An Earnest Club for Earnest Women'' as their motto; and American Beauty Red and green as their colors. Before a clubhouse was built, meetings were held at various members' homes, limiting membership to 35 and allowing only a cup of tea and a cracker to be served.

During World War I, from 1914 to 1916, the members sold over $10,000 worth of Liberty Bonds, raised funds for French orphans, worked with local merchants to beautify the roads into the Nation's Capital, and worked to secure a new fire truck for the community that was capable of fighting chemical fires.

In 1925, club members raised $1,500 to purchase three lots at the corner of Sonoma Road and Old Georgetown Road for construction of a clubhouse. On May 27, 1927, the club laid the cornerstone for the clubhouse, which is still in use today. In 1948, the mortgage was burned—quite a feat for women who began the club without the right to vote.

During World War II, the clubhouse was used to host USO entertainment. Today, the club continues its philanthropic efforts by raising money for local charitable organizations—Friends of the Maryland Library; Mobile Medical Care, Inc., Montgomery; Crisis Center of Montgomery County; Bethesda Cares; and Manna Food Banks—and by supporting national and international efforts to curb homelessness and domestic violence, and promote access to health care and clean water.

There is no doubt that the Woman's Club of Bethesda has made significant contributions to the betterment of the surrounding community and is a valuable asset to the people of Montgomery County and the State of Maryland. I would ask my colleagues to join me in congratulating the past and present members of the Woman's Club of Bethesda on their century of service.•

TRIBUTE TO LARRY KELLY

• Mrs. SHAHEEN. Mr. President, today I congratulate and honor Larry Kelly, who is retiring from his position as executive director for Tri- County Community Action Program, CAP, which serves New Hampshire's North Country.

Larry's career has been one of admirable service to New Hampshire and his community. Through various roles, including positions at the Community Services Administration in Boston, Federal Regional Council of New England, and other CAP agencies, Larry's career has been dedicated to helping others and serving the less fortunate.

In 1984, Larry joined Tri-County CAP. Larry's dedication to the greater Berlin community and the entire State of New Hampshire, coupled with his decades of volunteer service, is a testimony to his character. His kind and gentle disposition is complemented by a passion and drive to make his community a better place in which to live and work. Always putting the community's interests above his own, Larry has been a champion for the neediest among us, advocating on behalf of those without a voice and without hope. He has been rightly recognized as a leader among his peers throughout his professional life, receiving national awards such as the Community Action Foundation's Executive Director of the Year Award.

On a personal note, I am very grateful to Larry for his support and counsel during my years in public office. Whether it was a CAP-related matter or not, Larry was always ready and willing to assist in whatever capacity he could. I consider Larry a friend, and I know his contribution to the North Country will be missed. Please join me in congratulating Mr. Larry Kelly of Berlin, NH, on his retirement.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:16 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1016. An act to measure the progress of relief, recovery, reconstruction, and development efforts in Haiti following the earthquake of January 12, 2010, and for other purposes.

MEASURES REFERRED

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

H.R. 1016. An act to measure the progress of relief, recovery, reconstruction, and development efforts in Haiti following the earthquake of January 12, 2010, and for other purposes; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

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

S. 940. A bill to reduce the Federal budget deficit by closing big oil tax loopholes, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 953. A bill to authorize the conduct of certain lease sales in the Outer Continental Shelf, to amend the Outer Continental Shelf Lands Act to modify the requirements for exploration, 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–1579. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Saflufenacil; Pesticide Tolerances'' (FRL No. 8872–7) received in the Office of the President of the Senate on May 6, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1580. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Propiconazole; Pesticide Tolerances'' (FRL No. 8873–2) received in the Office of the President of the Senate on May 6, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1581. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Glyphosate; Pesticide Tolerance'' (FRL No. 8872–6) received in the Office of the President of the Senate on May 6, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1582. A communication from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Export Inspection and Weighing Waiver for High Quality Specialty Grains Transported in Containers'' (RIN0580–AB18) received in the Office of the President of the Senate on May 5, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1583. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Conversions of Insured Credit Unions, 12 CFR Parts 708a and 708b'' ((RIN3133–AD84)(RIN3133–AD85)) received in the Office of the President of the Senate on May 5, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1584. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the United Arab Emirates; to the Committee on Banking, Housing, and Urban Affairs.

EC–1585. 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: Test Procedures for Fluorescent Lamp Ballasts'' (RIN1904–AB99) received in the Office of the President of the Senate on May 5, 2011; to the Committee on Energy and Natural Resources.

EC–1586. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''TSCA Inventory Update Reporting Modifications; Submission Period Suspension'' (FRL No. 8874–2) received in the Office of the President of the Senate on May 6, 2011; to the Committee on Environment and Public Works.

EC–1587. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Control Techniques Guidelines for Large Appliance Coatings'' (FRL No. 9304–2) received in the Office of the President of the Senate on May 6, 2011; to the Committee on Environment and Public Works.

EC–1588. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Modification of the Significant New Uses of 2-Propen-1-one, 1-(4-morpholinyl)-'' (FRL No. 8871–5) received in the Office of the President of the Senate on May 6, 2011; to the Committee on Environment and Public Works.

EC–1589. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, California Air Resources Board—Consumer Products'' (FRL No. 9278–9) received in the Office of the President of the Senate on May 6, 2011; to the Committee on Environment and Public Works.

EC–1590. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the status of the Government of Cuba's compliance with the United States-Cuba September 1994 ''Joint Communique'' and on the treatment of persons returned to Cuba in accordance with the United States-Cuba May 1995 ''Joint Statement''; to the Committee on Foreign Relations.

EC–1591. 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; Immunology and Microbiology Devices; Classification of Ovarian Adnexal Mass Assessment Score Test System; Correction'' ((21 CFR Part 866)(Docket No. FDA–2010–N–0026)) received in the Office of the President of the Senate on May 5, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–1592. 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; Reclassification of the Topical Oxygen Chamber for Extremities'' ((21 CFR Part 878)(Docket No. FDA–2006–N–0045)) received in the Office of the President of the Senate on May 5, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–1593. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department of Labor's fiscal year 2009 Office of Workers' Compensation Programs annual report; to the Committee on Health, Education, Labor, and Pensions.

EC–1594. A communication from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting, pursuant to law, the Commission's financial statement for the period of October 1, 2009 to September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–1595. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Self-Certification and Employee Training of Mail-Order Distributors of Scheduled Listed Chemical Products'' (RIN1117–AB30) received in the Office of the President of the Senate on May 5, 2011; to the Committee on the Judiciary.

EC–1596. A communication from the Deputy Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Bluefin Tuna Bycatch Reduction in the Gulf of Mexico Pelagic Longline Fishery'' (RIN0648–BA39) received during adjournment of the Senate in the Office of the President of the Senate on April 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1597. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act'' (RIN0648–AV15) received during adjournment of the Senate in the Office of the President of the Senate on April 26, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1598. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska License Limitation Program'' (RIN0648–AY42) received in the Office of the President of the Senate on May 5, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1599. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA275) received during adjournment of the Senate in the Office of the President of the Senate on April 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1600. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone

Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska'' (RIN0648–XA331) received during adjournment of the Senate in the Office of the President of the Senate on April 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1601. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Octopus in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA322) received during adjournment of the Senate in the Office of the President of the Senate on April 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1602. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Annual Quota Harvested'' (RIN0648–XA333) received during adjournment of the Senate in the Office of the President of the Senate on April 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1603. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska'' (RIN0648–XA337) received during adjournment of the Senate in the Office of the President of the Senate on April 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1604. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure'' (RIN0648–XA01) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1605. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip Limit Adjustments for the Common Pool Fishery'' (RIN0648–XA304) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1606. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA347) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1607. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer'' (RIN0648–XA338) received during adjournment of the Senate in the Office of the President of the Senate on April 20, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1608. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Halibut Fisheries; Limited Access for Guided Sport Charter Vessels in Alaska'' (RIN0648–BA96) received during adjournment of the Senate in the Office of the President of the Senate on April 20, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1609. A communication from the Administrator, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Administration's decision to enter into a contract with a private security screening company to provide screening services at Kansas City International Airport; to the Committee on Commerce, Science, and Transportation.

EC–1610. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules (4); Amdt. No. 492'' ((RIN2120–AA63)(Docket No. 30778)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1611. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Pilot, Flight Instructor, Ground Instructor, and Pilot School Certification Rules (Part 61); Technical Amendment'' ((RIN2120–AI86)(Docket No. FAA–2006–26661)) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1612. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of VOR Federal Airways V–1, V–7, V–11, and V–20; Kona, Hawaii'' ((RIN2120–AA66)(Docket No. FAA–2011–0009)) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1613. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Federal Airways; Alaska'' ((RIN2120–AA66)(Docket No. FAA–2011–0010)) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1614. A communication from the Deputy Chief Counsel for Regulations and Security Standards, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Reporting of Security Issues'' (RIN1652–AA66) received during adjournment of the Senate in the Office of the President of the Senate on April 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1615. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Theft Prevention Standard—2012 Light Duty Truck Lines Subject to the Requirements of This Standard and Exempted Vehicle Lines for Model Year 2012'' (RIN2127–AK91) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1616. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Public Road Mileage for Apportionment of Highway Safety Funds'' (RIN2125–AF42) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1617. A communication from the Assistant Chief Counsel for Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pipeline Safety: Completing Regulation of Hazardous Liquid Pipelines Operating at Low Stress'' (RIN2137–AE36) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1618. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Track Safety Standards; Concrete Crossties'' (RIN2130–AC01) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1619. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Appliance Standards, Miscellaneous Revisions'' (RIN2130–AB97) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1620. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska'' (RIN0648–XA362) received during adjournment of the Senate in the Office of the President of the Senate on April 20, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1621. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Highway Systems Technical Correction'' (RIN2125–AF35) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1622. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; B–N Group Ltd. Model BN–2, BN–2A, BN–2A–3, BN–2A–6, BN–2A–8, BN–2A–9, BN–2A–20, BN–2A–21, BN–2A–26, BN–2A–27, BN–2B–20, BN–2B–21, BN–2B–26, BN–2B–27, BN–2T, and BN–2T–4R Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–1255)) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1623. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1253)) received during adjournment of

the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1624. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A310 Series Airplanes, and Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes (Collectively Called A300–600 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–1162)) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1625. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney JT8D–209, –217, 217A, –217C, and –219 Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. FAA–2010–0452)) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1626. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Piper Aircraft, Inc. (Type Certificate Previously Held by The New Piper Aircraft, Inc.) Models PA–46–310P, PA–46–350P, and PA–46R–350T Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–1295)) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1627. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 and 440) Airplanes, CL–600–2C10 (Regional Jet Series 700, 701, and 702) Airplanes, CL–600–2D15 (Regional Jet Series 705) Airplanes, and CL–600–2D24 (Regional Jet Series 900) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0703)) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1628. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A340–200 and –300 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0256)) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1629. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model BD–100–1A10 (Challenger 300) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–1200)) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1630. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A340–541 and –642 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0263)) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1631. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Honeywell International Inc. LTS101 Series Turboshaft Engines and LTP101 Series Turboprop Engines'' ((RIN2120–AA64)(Docket No. FAA–2009–1185)) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1632. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc (RR) RB211-Trent 768–60 and Trent 772–60 Turbofan Engines'' ((RIN2120–AA64)(Docket No. FAA–2011–0233)) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1633. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model CL–600–2C10 (Regional Jet Series 700, 701, and 702) Airplanes, Model CL–600–2D15 (Regional Jet Series 705) Airplanes, and Model CL–600–2D24 (Regional Jet Series 900) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0703)) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself and Mr. BAUCUS):

S. 943. A bill to amend title IV of the Social Security Act to require States to implement policies to prevent assistance under the Temporary Assistance for Needy Families (TANF) program from being used in strip clubs, casinos, and liquor stores; to the Committee on Finance.

By Ms. AYOTTE (for herself, Mr. GRAHAM, Mr. LIEBERMAN, Mr. CHAMBLISS, Mr. BROWN of Massachusetts, Mr. RUBIO, and Mr. WEBB):

S. 944. A bill to reaffirm the authority of the Department of Defense to maintain United States Naval Station, Guantanamo Bay, Cuba, as a location for the detention of unprivileged enemy belligerents held by the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. COBURN (for himself and Mr. WARNER):

S. 945. A bill to save at least $5,000,000,000 by consolidating some duplicative and overlapping Government programs; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BAUCUS (for himself, Mr. ROCKEFELLER, Mr. BEGICH, Mr. LEAHY, Mr. SANDERS, Mr. JOHNSON of South Dakota, Mr. BENNET, Mr. UDALL of Colorado, Mr. FRANKEN, and Mr. CONRAD):

S. 946. A bill to establish an Office of Rural Education Policy in the Department of Education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHANNS (for himself, Mr. TOOMEY, Mr. CRAPO, Mr. HOEVEN, Mr. WICKER, Mr. MORAN, and Mr. COCHRAN):

S. 947. A bill to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

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

S. 948. A bill to promote the deployment of plug-in electric drive vehicles, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. SHAHEEN (for herself, Ms. SNOWE, Mr. REED, Mr. BURR, and Mr. SANDERS):

S. 949. A bill to amend the National Oilheat Research Alliance Act of 2000 to reauthorize and improve that Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CARDIN (for himself and Mr. CASEY):

S. 950. A bill to amend title 23, United States Code, to repeal a prohibition on allowing States to use toll revenues as State matching funds for Appalachian Development Highway projects; to the Committee on Environment and Public Works.

By Mrs. MURRAY (for herself, Ms. MURKOWSKI, Mr. ROCKEFELLER, Mr. AKAKA, Mr. BAUCUS, Mr. BEGICH, Mrs. BOXER, Mr. BROWN of Ohio, Mr. CASEY, Mr. COONS, Mr. SANDERS, Mr. TESTER, Mr. LEAHY, and Mr. BROWN of Massachusetts):

S. 951. A bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DURBIN (for himself, Mr. REID, Mr. LEAHY, Mr. SCHUMER, Mr. MENENDEZ, Mr. LEVIN, Mr. LIEBERMAN, Mr. AKAKA, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mrs. BOXER, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. COONS, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. LAUTENBERG, Mr. MERKLEY, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. REED, Mr. SANDERS, Mr. UDALL of Colorado, and Mr. WHITEHOUSE):

S. 952. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes; to the Committee on the Judiciary.

By Mr. McCONNELL:

S. 953. A bill to authorize the conduct of certain lease sales in the Outer Continental Shelf, to amend the Outer Continental Shelf Lands Act to modify the requirements for exploration, and for other purposes; read the first time.

By Mr. LUGAR:

S. 954. A bill to promote the strengthening of the Haitian private sector; to the Committee on Foreign Relations.

By Mr. KERRY:

S. 955. A bill to provide grants for the renovation, modernization or construction of law enforcement facilities; to the Committee on the Judiciary.

By Mr. KERRY:

S. 956. A bill to establish a pilot program for police departments to use anonymous texts from citizens to augment their anonymous tip hotlines; to the Committee on the Judiciary.

By Mr. BOOZMAN (for himself and Mr. BEGICH):

S. 957. A bill to amend title 38, United States Code, to improve the provision of rehabilitative services for veterans with traumatic brain injury, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MCCONNELL:

S. Res. 179. A resolution to constitute the minority party's membership on certain committees for the One Hundred Twelfth Congress, or until their successors are chosen; considered and agreed to.

By Mr. LIEBERMAN (for himself, Mr. RUBIO, Mr. CARDIN, Mr. KIRK, Mr. CASEY, Mr. MCCAIN, Mr. COONS, Mr. GRAHAM, Mr. MENENDEZ, Mr. KYL, Mr. ISAKSON, Mr. CORNYN, Mr. BARRASSO, Mrs. GILLIBRAND, Ms. AYOTTE, Mr. DURBIN, and Mr. HOEVEN):

S. Res. 180. A resolution expressing support for peaceful demonstrations and universal freedoms in Syria and condemning the human rights violations by the Assad regime; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 164

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 217

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

S. 260

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

S. 300

At the request of Mr. GRASSLEY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 300, a bill to prevent abuse of Government charge cards.

S. 390

At the request of Mr. WEBB, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 390, a bill to ensure that the right of an individual to display the Service Flag on residential property not be abridged.

S. 414

At the request of Mr. DURBIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 414, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 431

At the request of Mr. PRYOR, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 504

At the request of Mr. DEMINT, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 504, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 547

At the request of Mrs. MURRAY, the names of the Senator from Virginia (Mr. WEBB), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 547, a bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education.

S. 576

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 576, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 595

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 595, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 603

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

S. 641

At the request of Mr. DURBIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 641, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 643

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 643, a bill to amend title XIX of the Social Security Act to direct Medicaid EHR incentive payments to federally qualified health centers and rural health clinics.

S. 658

At the request of Ms. KLOBUCHAR, the names of the Senator from Maine (Ms. COLLINS), the Senator from Texas (Mrs. HUTCHISON) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 658, a bill to provide for the preservation of the Department of Defense of documentary evidence of the Department of Defense on incidents of sexual assault and sexual harassment in the military, and for other purposes.

S. 671

At the request of Mr. SESSIONS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 671, a bill to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders.

S. 725

At the request of Mr. ISAKSON, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 725, a bill to amend title XVIII of the Social Security Act to provide for coverage, as supplies associated with the injection of insulin, of containment, removal, decontamination and disposal of home-generated needles, syringes, and other sharps through a sharp container, decontamination/destruction device, or sharps-by-mail program or similar program under part D of the Medicare program.

S. 734

At the request of Ms. STABENOW, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 734, a bill to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Education.

S. 737

At the request of Mr. MORAN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 737, a bill to replace the Director of the Bureau of Consumer Financial Protection with a 5-person Commission, to bring the Bureau into the regular appropriations process, and for other purposes.

S. 738

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 738, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning.

S. 755

At the request of Mr. WYDEN, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 755, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due.

S. 778

At the request of Mr. MORAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 778, a bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services.

S. 906

At the request of Mr. WICKER, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 906, a bill to prohibit taxpayer funded abortions and to provide for conscience protections, and for other purposes.

S. 931

At the request of Mr. SCHUMER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 931, a bill to amend the Internal Revenue Code of 1986 to reform the rules relating to fractional charitable donations of tangible personal property.

S. 940

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 940, a bill to reduce the Federal budget deficit by closing big oil tax loopholes, and for other purposes.

S. CON. RES. 12

At the request of Mr. LUGAR, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. Con. Res. 12, a concurrent resolution expressing the sense of Congress that the President should take certain actions with respect to the Government of Burma.

S. RES. 80

At the request of Mr. KIRK, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Res. 80, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. AYOTTE (for herself, Mr. GRAHAM, Mr. LIEBERMAN, Mr. CHAMBLISS, Mr. BROWN of Massachusetts, Mr. RUBIO, and Mr. WEBB):

S. 944. A bill to reaffirm the authority of the Department of Defense to maintain United States Naval Station, Guantanamo Bay, Cuba, as a location for the detention of unprivileged enemy belligerents held by the Department of Defense, and for other purposes; to the Committee on Armed Services.

Ms. AYOTTE. Mr. President, nearly 10 years after the September 11 terrorist attacks, our country remains at war with violent extremists who want to kill Americans. Yet the administration has not designated a secure location for detaining, interrogating, and trying current and future terrorist detainees. Rather than seeking to address this problem, the administration continues to insist on closing Guantanamo Bay.

Earlier this week, Attorney General Holder in Paris reiterated the administration's determination to ultimately close the Guantanamo Bay facility. This determination to close Gitmo represents a misguided view that treats terrorism like everyday crime, hesitates to call this war on terrorism what it is, and places the perceptions of others over the safety of Americans.

I believe this desire to close Guantanamo represents an unacceptable abrogation of the Federal Government's most important responsibility: providing for the common defense. Therefore, today I rise to introduce and to urge my colleagues to support Senate bill 944, the Detaining Terrorists to Secure America Act of 2011.

Our diligent intelligence professionals and our brave special operations forces who brought bin Laden to justice don't need to be reminded that the United States and our international partners remain engaged in a war with violent Islamist extremist groups, including al-Qaida and associated terrorist groups that are committed to killing Americans and our allies. Indeed, in the treasure trove of information our forces gathered at bin Laden's compound, we have learned the terrorist groups are actively plotting new attacks against our country. This is the latest in a long string of attacks, or planned attacks, against our country in the last 2 years alone.

Just some of the examples of what we have seen: In September 2009, the plot to conduct a suicide bomb attack on the New York subway system; to the November 2009 attack on Fort Hood that killed 13 people and wounded 32; to the Christmas Day 2009 attempted bombing on an international flight to Detroit; to the May 2010 attempt to bomb Times Square; to the October 2010 attempt to send explosives to Jewish centers in Chicago; to a February 2011 plot to manufacture explosives and to conduct attacks in Texas and in New York. Al-Qaida and their fellow terrorists continue to threaten our country. Bin Laden's death is a significant blow to al-Qaida and associated terrorist organizations and a great accomplishment for our country, but the threat continues and our detention policies must reflect that reality.

Since 2001, we have captured and detained thousands of terrorists who have planned and conducted attacks and who have served as terrorist trainers, financiers, bomb makers, bodyguards, recruiters, and facilitators. Interrogations of these terrorists, including those at Guantanamo, have provided valuable intelligence that has prevented attacks, saved lives, and helped locate other terrorists. Detention and interrogation of terrorists at Guantanamo not only protects American lives which is the core function of our federal government, but detention and interrogation of terrorists at Guantanamo also protects our allies. Of course, the most recent and noteworthy example that demonstrates the value of intelligence gleaned from detainee interrogations is the case of Osama bin Laden. Our intelligence community would never have found bin Laden if it weren't for the intelligence gleaned from the interrogation of terrorist detainees.

Not only have interrogations of detainees helped us track down other terrorists, but detaining terrorists helps prevent future attacks. Unfortunately, as Secretary Gates confirmed in response to my question during an Armed Services Committee hearing in February, approximately 1 out of 4, or 25 percent of the Guantanamo detainees who have been released, have reengaged or we suspect have reengaged in hostilities against the United States and our allies. I can tell my colleagues, as a former prosecutor that is an unacceptable reengagement rate.

Former Guantanamo detainees are conducting suicide bombings, recruiting radicals, and training them to kill Americans and our allies. Said al Shihri and Abdul Zakir represent two examples of former Guantanamo detainees who have returned to the fight and assumed leadership positions in terrorist organizations that are dedicated to killing Americans and our allies. Said al Shihri is now working as the No. 2 in al-Qaida in the Arabian Peninsula. After a recent promotion, Abdul Zakir now serves as a top Taliban military commander and a senior leader in the Taliban Quetta Shura. In the world of terrorists, it has become a badge of honor to have served at Guantanamo, and then to have been released, and then to get back into the fight against us.

It is unacceptable for even one released detainee to reengage in the fight against our country. As a military spouse and a member of the Senate Armed Services Committee, I find it sickening that our country has released dangerous prisoners who are

now actively plotting to kill Americans and our allies.

Some have expressed concerns regarding the legality of long-term detention for these terrorists, or expressed concerns about the conditions at Guantanamo. I wish to address both of those concerns.

First, as the former Attorney General of the State of New Hampshire, I am as eager as anyone to ensure that our detention policies conform to the rule of law and reflect our core values. Some have questioned the legality of detaining terrorists. Yet we should be very clear that, according to the law of war, detention is a matter of national security and military necessity and has long been recognized as legitimate under international law.

Second, some have expressed concerns about the conditions at Guantanamo. In March, I visited the Guantanamo Bay detention facility. Gitmo now represents the most professionally run detention facility in the world. International human rights activists, reporters, Members of the Congress and the Senate, constantly stream through Guantanamo checking on the conditions and holding the Department of Defense accountable. Guantanamo is no Abu Ghraib. Detainees are treated in a manner that conforms to international law and honors our values. Guantanamo detainees receive three meals a day tailored to the preferences of each detainee. They also have access to topnotch health care facilities. Their religion is respected. They have television, newspapers, books, English classes, and art classes. In fact, the officials at Guantanamo bend over backwards to respect the cultural and religious preferences of the detainees who are held there. Don't get me wrong; Guantanamo is no Club Med, but the terrorists who are detained there, most of whom would undoubtedly kill Americans if they were given the chance, are getting much better treatment than they deserve.

As a former prosecutor, I have been in a few prisons in my time, and I can tell my colleagues the detention facility at Gitmo is much nicer than some that our common criminals are in, in the United States of America. I was also impressed with the state-of-the-art courtroom at Guantanamo which would rival any Federal courtroom in the United States. However, unlike your average courtroom, it is set up to address the special security concerns associated with trying terrorists and it is also especially designed to enable the judge to ensure that classified information will not be compromised or leaked. This courtroom is the appropriate courtroom and venue for Khalid Sheikh Mohammed and the other 9/11 conspirators to be held accountable for their roles in the horrific attacks on our country on September 11. And after almost 10 years, the victims of September 11 have waited much too long for justice.

I believe our country stands on a solid legal framework in detaining terrorists according to the law of war, and I also believe Guantanamo represents the ideal facility for detaining, interrogating, and trying current and future terrorist detainees.

Some may ask, Why introduce this legislation now? Why is it needed? In February, during a Senate Armed Services Committee hearing, I asked Secretary Gates where we would detain high value terrorists that we capture in the future if the President goes forward with his plan to close Guantanamo. Secretary Gates candidly said to me: ''I think the honest answer to that question is we don't know.''

I was encouraged by President Obama's decision to resume military commissions at Guantanamo. Yet the administration was careful to reiterate its determination to ultimately close Guantanamo. Unfortunately, as I previously mentioned, on Monday Attorney General Holder, in Paris, reiterated the administration's desire to close Guantanamo. But we know intelligence gathered at Guantanamo played a valuable role in helping to ultimately find Osama bin Laden. We know there are other terrorists out there who want to do us harm, and we need to keep this facility open. For this reason, I believe Congress must pass this legislation without delay.

Before concluding, let me briefly summarize what S. 944 will do.

This legislation reaffirms the authority to maintain Gitmo as an operating facility for the detention of current and future unprivileged enemy belligerents.

It directs the Secretary of Defense to take actions to maintain Gitmo as an operating facility for the detention of current and future unprivileged enemy belligerents.

It extends permanently the limitation of transfer of detainees to foreign entities and the prohibition of construction or modification of facilities in the United States of America for detaining terrorists. We have heard loud and clear from the American people that they do not want terrorists detained on American soil.

Finally, it supersedes sections of President Obama's Executive order that he issued shortly after he got into office on January 22, 2009. He issued an Executive order saying that Guantanamo would be closed. This legislation will supersede the portions of that Executive order related to the closure of Gitmo, the determination of transfer, the prosecution of terrorists in article III courts and the military tribunals.

In short, this legislation would establish Gitmo as the permanent location for detaining, interrogating, and trying unprivileged enemy belligerents or terrorists. To accomplish this, we will permanently limit the transfer of detainees to foreign entities because what has happened is that terrorist detainees have been transferred to foreign countries and then the foreign countries release the former detainee. That is how so many former detainees have made there way back to the battlefield. So we have to stop that. And this legislation will prohibit the construction or modification of facilities in the United States of America for detaining terrorists, to make sure we keep detained terrorists at Gitmo and off U.S. soil.

I am proud to introduce this bipartisan legislation called Detaining Terrorists to Secure America Act of 2011, S. 944. I am especially proud that many friends and colleagues have decided to support this bipartisan legislation, including Senators GRAHAM, LIEBERMAN, CHAMBLISS, BROWN, RUBIO and WEBB, all of whom have been leaders when it comes to fighting terrorism and protecting Americans.

Everything we do in this Chamber must be guided by our Constitution, and the Federal Government must fulfill its most important constitutional duty of protecting the American people. Pretending we are not at war with terrorists will not change the fact that terrorists continue to plot against us and to attack Americans. Consistent with our values and the rule of law, we must establish the Guantanamo detention facility as the permanent location for detaining, interrogating, and trying terrorists.

I urge my colleagues to support this legislation, and I thank the Presiding Officer.

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. 944

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 ''Detaining Terrorists to Secure America Act of 2011''

SEC. 2. FINDINGS.

Congress makes the following finding:

(1) The United States and its international partners are in an armed conflict with violent Islamist extremist groups, including al Qaeda and associated terrorist organizations, that are committed to killing Americans and our allies.

(2) In the last 2 years, terrorists have repeatedly attempted to kill Americans both here at home and abroad, including the following attacks, plots, or alleged plots and attacks:

(A) A September 2009 plot by Najibullah Zazi—who received training from al Qaeda in Pakistan—to conduct a suicide bomb attack on the New York, New York, subway system.

(B) A November 2009 attack by Nidal Malik Hasan at Fort Hood, Texas, that killed 13 people and wounded 32.

(C) A Christmas Day 2009 attempt by Umar Farouk Abdulmutallab to detonate a bomb sewn into his underwear on an international flight to Detroit, Michigan.

(D) A May 2010 attempt by Faisal Shahzad to bomb Times Square in New York, New York, on a crowded Saturday evening, an attack that was unsuccessful only because the car bomb failed to detonate.

(E) An October 2010 attempt by terrorists in Yemen to send, via commercial cargo flights, 2 packages of explosives to Jewish centers in Chicago, Illinois.

(F) A February 2011 plot by Khaled Aldawsari, a Saudi-born student, to manufacture explosives and potentially attack New York, New York, the Dallas, Texas, home of former President George W. Bush, as well as hydroelectric dams, nuclear power plants, and a nightclub.

(3) Since the September 11, 2001, attacks on our Nation, the United States and allied forces have captured thousands of individuals fighting for or supporting al Qaeda and associated terrorist organizations that do not abide by the law of war, including detainees at United States Naval Station, Guantanamo Bay, Cuba, who served as planners of those attacks, trainers of terrorists, financiers of terrorists, bomb makers, bodyguards for Osama bin Laden, recruiters of terrorists, and facilitators of terrorism.

(4) Many of the detainees at United States Naval Station, Guantanamo Bay provided valuable intelligence that gave the United States insight into al Qaeda and its methods, prevented terrorist attacks, and saved lives.

(5) Intelligence obtained from detainees at United States Naval Station, Guantanamo Bay was critical to eventually identifying the location of Osama bin Laden.

(6) In a February 17, 2011, hearing of the Committee on Armed Services of the Senate, the Secretary of Defense confirmed that approximately 25 percent of detainees released from the detention facility at United States Naval Station, Guantanamo Bay are confirmed to have reengaged in hostilities or are suspected of having reengaged in hostilities against the United States or our allies.

(7) Al Qaeda in the Arabian Peninsula, an organization that includes former detainees at United States Naval Station, Guantanamo Bay among its leadership and ranks, has claimed responsibility for several of the recent plots and attacks against the United States.

(8) Detention according to the law of war is a matter of national security and military necessity and has long been recognized as legitimate under international law.

(9) Detaining unprivileged enemy belligerents prevents them from returning to the battlefield to attack United States and allied military personnel and engaging in future terrorist attacks against innocent civilians.

(10) The Joint Task Force-Guantanamo provides for the humane, legal, and transparent care and custody of detainees at United States Naval Station, Guantanamo Bay, notwithstanding regular assaults on the guard force by some detainees.

(11) The International Committee of the Red Cross visits detainees at United States Naval Station, Guantanamo Bay on a quarterly basis.

(12) The detention facility at United States Naval Station, Guantanamo Bay benefits from robust oversight by Congress.

SEC. 3. REAFFIRMATION OF AUTHORITY TO MAINTAIN UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, AS A LOCATION FOR THE DETENTION OF UNPRIVILEGED ENEMY BELLIGERENTS HELD BY THE DEPARTMENT OF DEFENSE.

(a) REAFFIRMATION OF AUTHORITY AS LOCATION FOR DETENTION OF UNPRIVILEGED ENEMY BELLIGERENTS.—United States Naval Station, Guantanamo Bay, Cuba, is and shall be a location for the detention of individuals in the custody or under the control of the Department of Defense who have engaged in, or supported, hostilities against the United States or its coalition partners on behalf of al Qaeda, the Taliban, or an affiliated group to which the Authorization for Use of Military Force (Public Law 107–40) applies.

(b) MAINTENANCE AS AN OPERATIONAL FACILITY FOR DETENTION.—The Secretary of Defense shall take appropriate actions to maintain United States Naval Station, Guantanamo Bay, Cuba, as an open and operating facility for the detention of current and future individuals as described in subsection (a).

(c) PERMANENT EXTENSION OF CERTAIN LIMITATIONS RELATING TO DETAINEES AND DETENTION FACILITIES.—

(1) LIMITATION ON TRANSFER OF DETAINEES TO FOREIGN ENTITIES.—Section 1033(a)(1) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4351) is amended by striking ''during the one-year period'' and all that follows through ''by this Act'' and inserting ''the Secretary of Defense may not use any amounts authorized to be appropriated''.

(2) PROHIBITION ON CONSTRUCTION OF DETENTION FACILITIES IN UNITED STATES.—Section 1034(a) of such Act (124 Stat. 4353) is amended by striking ''None of the funds authorized to be appropriated by this Act'' and inserting ''No funds authorized to be appropriated or otherwise made available to the Department of Defense, or to or for any other department or agency of the United States Government,''.

(d) SUPERSEDURE OF EXECUTIVE ORDER.—Sections 3, 4(c)(2), 4(c)(3), 4(c)(5), and 7 of Executive Order No. 13492, dated January 22, 2009, shall have no further force or effect.

By Mr. BAUCUS (for himself, Mr. ROCKEFELLER, Mr. BEGICH, Mr. LEAHY, Mr. SANDERS, Mr. JOHNSON of South Dakota, Mr. BENNET, Mr. UDALL of Colorado, Mr. FRANKEN, and Mr. CONRAD):

S. 946. A bill to establish an Office of Rural Education Policy in the Department of Education; to the Committee on Health, Education, Labor, and Pensions.

Mr. BAUCUS. Mr. President, Mike Mansfield once said, ''Knowledge is essential for acceptance and understanding.''

This statement is all too true for the students and educators residing in rural areas. While rural education is becoming an increasingly large and important part of the U.S. public school system, the unique challenges and circumstances within these rural communities are often misunderstood or overlooked. According to the Digest of Education Statistics reported annually by the National Center for Education Statistics, the number of students attending rural schools increased by over 11 percent, from 10.5 million in 2004 to nearly 11.7 million by 2008. Rural students now comprise almost ¼ of the Nation's public school enrollment. And nearly one-third of all schools in the nation are located in rural areas.

Rural is also becoming increasingly diverse. According to NCES, the increase in rural enrollment between 2004 and 2009 was disproportionally among students of color. And in the 2007–2008 school year the national average rate of student poverty in rural school districts, as measured by the rate of participation in federally subsidized meals programs, was almost 40 percent.

Yet despite the significant percentage enrolled in rural schools, the importance of rural education is often obscured by the fact that rural students are, naturally, widely-dispersed, located in small, geographically isolated school districts. The size, diversity, and complexity of rural education support a greater policy focus on the unique challenges and solutions for rural education.

Montana is the fourth largest state by land mass, totaling over 147,000 square miles. More than half of Montana's 830 schools enroll less than 100 students. From Eureka to Ekalaka, from Scobey to Darby, these small schools dot the landscape, providing not only a learning environment but often a community center.

Montana's rural communities are doing an excellent job educating Montana's next generation. Overall, Montana graduation rates are higher than the national average. Montana students taking the National Assessment of Educational Progress, NAEP, in 2009 scored higher than the national average in both reading and math.

But despite the success of Montana's rural schools, these schools face a unique set of challenges that their urban-centric peers may not even comprehend. In 2004, the U.S. Government Accountability Office released a report highlighting the needs and distinctive challenges of rural schools and districts across this nation.

For example, rural schools report greater difficulties in recruiting and retaining qualified teachers, due to inability to offer competitive salaries, geographic isolation, and for some, severe weather. Rural districts often have fewer personnel. The district superintendent is often also the high school principal. He or she may also be the Title I coordinator, math curriculum specialist, and sometimes also the head of transportation services! In isolated areas, schools face challenges in providing professional development and training for teachers and principals. Small rural districts are often located long distances from other districts, towns, and universities, drastically reducing opportunities to partner or collaborate. Additionally, the long distances students must travel between school and home make it more difficult to participate in traditional remedial services, mentoring, and after school programs.

I commend the Secretary for efforts he has taken to try to address concerns of rural areas. However, these efforts have fallen short, and in some cases, even good intentions have created adverse consequences. Most recently, the Investing in Innovation, i3, competitive grant program provided ''competitive preference points'' for applicants serving at least one rural district, in an effort to encourage and support rural applicants. However, the department's lack of guidance and independent scorers' lack of understanding of rural areas still left authentically rural programs at a clear disadvantage. The Rural School & Community Trust highlighted in its report Taking Advantage that this ''rural preference'' instead had the effect of inducing

urban applicants to include minimal rural participation merely in order to gain the additional scoring points for primarily urban projects.

I am joined today by my colleague from West Virginia, Senator ROCKEFELLER, in introducing the Office of Rural Education Policy Act. This bill will establish the Office of Rural Education Policy, housed at the Department of Education's Office of Elementary & Secondary Education. This office and its director will be tasked with coordinating the activities related to rural education and advising the Secretary on issues important to rural schools and districts. The legislation requires the department to consider the impact of proposed rules and regulations on rural education and to produce an annual report on the condition of rural education. The Office of Rural Education Policy will be tasked with establishing a clearinghouse for collecting and disseminating information related to the unique challenges of rural areas, as well as the innovative efforts under way in rural schools to tackle these challenges.

The strong list of supporters of this bill further solidifies the need for an Office of Rural Education Policy. We have received strong support from: American Association of Community Colleges, American Association of School Administrators, Alliance for Excellent Education, Association of Educational Service Agencies, Center for Rural Affairs, Coalition for Community Schools, Council for Opportunity in Education, Montana School Board Association, Montana State Superintendents Association, Montana Rural Education Association, National Association of State Boards of Education, National Association of Development Organizations, National Association of Elementary School Principals, National Association of Federally Impacted Schools, National Education Association, National Congress of American Indians, National Farmers Union, National Indian Education Association, National Rural Education Association, National Rural Education Advocacy Coalition, National School Board Association, Organizations Concerned about Rural Education, Public Education Network, Rural School and Community Trust, and Save the Children. I want to thank all the supporters of the bill, and want to particularly thank the efforts of the Rural School and Community Trust for its steadfast commitment to this proposal.

Mike Mansfield was right. ''Knowledge is essential for acceptance and understanding.'' I look forward to working with my colleagues here in the Senate to move this legislation, to bring about greater knowledge of rural schools and ensure they are both accepted and understood.

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. 946

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 ''Office of Rural Education Policy Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Secretary of Education has recognized that ''[r]ural schools have unique challenges and benefits'', but a recent report by the Rural School and Community Trust refers to the ''paucity of rural education research in the United States''.

(2) Rural education is becoming an increasingly large and important part of the United States public school system. According to the Digest of Education Statistics reported annually by the National Center for Education Statistics, the number of students attending rural schools increased by more than 11 percent, from 10,500,000 to nearly 11,700,000, between the 2004–2005 and 2008–2009 school years. The share of the Nation's public school enrollment attending rural schools increased from 21.6 percent to 23.8 percent. In school year 2008–2009, these students attended 31,635 rural schools, nearly one-third of all schools in the United States.

(3) Despite the overall growth of rural education, rural students represent a demographic minority in all but 3 States, according to the National Center for Education Statistics.

(4) Rural education is becoming increasingly diverse. According to the National Center for Education Statistics, the increase in rural enrollment between the 2004–2005 and 2008–2009 school years was disproportionally among students of color. Enrollment of children of color in rural schools increased by 31 percent, and the proportion of students enrolled in rural schools who are children of color increased from 23.0 to 26.5 percent. More than one-third of rural students in 12 States are children of color, according to research by the Rural School and Community Trust (Why Rural Matters 2009).

(5) Rural education is varied and diverse across the Nation. In school year 2007–2008, the national average rate of student poverty in rural school districts, as measured by the rate of participation in federally subsidized meals programs, was 39.1 percent, but ranged from 9.7 percent in Connecticut to 71.9 percent in New Mexico, according to the National Center for Education Statistics.

(6) Even policy measures intended to help rural schools can have unintended consequences. In awarding competitive grants under the Investing in Innovation Fund program under section 14007 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), the Secretary of Education attempted to encourage and support rural applicants by providing additional points for proposals to serve at least 1 rural local educational agency. But according to research by the Rural School and Community Trust (Taking Advantage, 2010), this ''rural preference'' mainly had the effect of inducing urban applicants to include rural participation merely in order to gain additional scoring points for primarily urban projects.

(7) Rural schools generally utilize distance education more often for both students and teachers. A fall 2008 survey of public schools by the National Center for Education Statistics found that rural schools were 1½ times more likely to provide students access for online distance learning than schools in cities. A September 2004 study from the Government Accountability Office reported that rural school districts used distance learning for teacher training more often than nonrural school districts.

(8) The National Center for Education Statistics reports that base salaries of both the lowest and highest paid teachers are lower in rural schools than any other community type.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish an Office of Rural Education Policy in the Department of Education; and

(2) to provide input to the Secretary of Education regarding the impact of proposed changes in law, regulations, policies, rules, and budgets on rural schools and communities.

SEC. 3. ESTABLISHMENT OF OFFICE OF RURAL EDUCATION POLICY.

(a) IN GENERAL.—Title II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) is amended by adding at the end the following:

"SEC. 221. OFFICE OF RURAL EDUCATION POLICY.

''(a) IN GENERAL.—There shall be, in the Office of Elementary and Secondary Education of the Department, an Office of Rural Education Policy (referred to in this section as the 'Office').

''(b) DIRECTOR; DUTIES.—

''(1) IN GENERAL.—The Office shall be headed by a Director, who shall advise the Secretary on the characteristics and needs of rural schools and the effects of current policies and proposed statutory, regulatory, administrative, and budgetary changes on State educational agencies, and local educational agencies, that serve schools with a locale code of 32, 33, 41, 42, or 43, as determined by the Secretary.

''(2) ADDITIONAL DUTIES OF THE DIRECTOR.—In addition to advising the Secretary with respect to the matters described in paragraph (1), the Director of the Office of Rural Education Policy (referred to in this section as the 'Director'), through the Office, shall—

''(A) establish and maintain a clearinghouse for collecting and disseminating information on—

''(i) teacher and principal recruitment and retention at rural elementary schools and rural secondary schools;

''(ii) access to, and implementation and use of, technology and distance learning at such schools;

''(iii) rigorous coursework delivery through distance learning at such schools;

''(iv) student achievement at such schools, including the achievement of low-income and minority students;

''(v) innovative approaches in rural education to increase student achievement;

''(vi) higher education and career readiness and secondary school completion of students enrolled in such schools;

''(vii) access to, and quality of, early childhood development for children located in rural areas;

''(viii) access to, or partnerships with, community-based organizations in rural areas;

''(ix) the availability of professional development opportunities for rural teachers and principals;

''(x) the availability of Federal and other grants and assistance that are specifically geared or applicable to rural schools; and

''(xi) the financing of such schools;

''(B) identify innovative research and demonstration projects on topics of importance to rural elementary schools and rural secondary schools, including gaps in such research, and recommend such topics for study by the Institute of Education Sciences and other research agencies;

''(C) coordinate the activities within the Department that relate to rural education;

''(D) provide information to the Secretary and others in the Department with respect

to the activities of other Federal departments and agencies that relate to rural education, including activities relating to rural housing, rural agricultural services, rural transportation, rural economic development, rural career and technical training, rural health care, rural disability services, and rural mental health;

''(E) coordinate with the Bureau of Indian Education, the Bureau of Indian Affairs, the Department of the Interior, and the schools administered by such agencies regarding rural education;

''(F) provide, directly or through grants, cooperative agreements, or contracts, technical assistance and other activities as necessary to support activities related to improving education in rural areas; and

''(G) produce an annual report on the condition of rural education that is delivered to the members of the Education and the Workforce Committee of the House of Representatives and the Health, Education, Labor, and Pensions Committee of the Senate and published on the Department's website.

''(c) IMPACT ANALYSES OF RULES AND REGULATIONS ON RURAL SCHOOLS.—

''(1) PROPOSED RULEMAKING.—Whenever the Secretary publishes a general notice of proposed rulemaking for any rule or regulation that may have a significant impact on State educational agencies or local educational agencies serving schools with a locale code of 32, 33, 41, 42, or 43, as determined by the Secretary, the Secretary (acting through the Director) shall prepare and make available for public comment an initial regulatory impact analysis. Such analysis shall describe the impact of the proposed rule or regulation on such State educational agencies and local educational agencies and shall set forth, with respect to such agencies, the matters required under section 603 of title 5, United States Code, to be set forth with respect to small entities. The initial regulatory impact analysis (or a summary) shall be published in the Federal Register at the time of the publication of general notice of proposed rulemaking for the rule or regulation.

''(2) FINAL RULE.—Whenever the Secretary promulgates a final version of a rule or regulation with respect to which an initial regulatory impact analysis is required by paragraph (1), the Secretary (acting through the Director) shall prepare a final regulatory impact analysis with respect to the final version of such rule or regulation. Such analysis shall set forth, with respect to State educational agencies and local educational agencies serving schools with a locale code of 32, 33, 41, 42, or 43, as determined by the Secretary, the matters required under section 604 of title 5, United States Code, to be set forth with respect to small entities. The Secretary shall make copies of the final regulatory impact analysis available to the public and shall publish, in the Federal Register at the time of publication of the final version of the rule or regulation, a statement describing how a member of the public may obtain a copy of such analysis.

''(3) REGULATORY FLEXIBILITY ANALYSIS.—If a regulatory flexibility analysis is required by chapter 6 of title 5, United States Code, for a rule or regulation to which this subsection applies, such analysis shall specifically address the impact of the rule or regulation on State educational agencies and local educational agencies serving schools with a locale code of 32, 33, 41, 42, or 43, as determined by the Secretary.''.

(b) EFFECTIVE DATE.—Section 221(c) of the Department of Education Organization Act, as added by subsection (a), shall apply to regulations proposed more than 30 days after the date of enactment of this Act.

Mr. ROCKEFELLER. Mr. President, I am proud to join Senator BAUCUS from Montana and my colleagues Senator BEGICH of Alaska, Senator BENNET of Colorado, Senator FRANKEN of Minnesota, Senator JOHNSON of South Dakota, Senator LEAHY of Vermont, Senator SANDERS of Vermont, and Senator UDALL of Colorado, in introducing legislation today to establish an Office of Rural Education Policy at the Department of Education. Senator BAUCUS's leadership in bringing attention to education in our rural areas is remarkable, and I am proud to work with him on this increasingly important issue.

In addition to my colleagues who are cosponsoring this legislation, I want to acknowledge the many organizations who have already announced their support for it. Their concern for the students living in rural America is greatly appreciated. These organizations include American Association of Community Colleges, American Association of School Administrators, Alliance for Excellent Education, Association of Educational Service Agencies, Center for Rural Affairs, Coalition for Community Schools, Council for Opportunity in Education, National Association of State Boards of Education, National Association of Development Organizations, National Association of Elementary School Principals, National Association of Federally Impacted Schools, National Congress of American Indians, National Education Association, National Farmers Union, National Indian Education Association, National Rural Education Association, National Rural Education Advocacy Coalition, National School Board Association, Organizations Concerned about Rural Education, Public Education Network, Rural School and Community Trust, and Save the Children.

We rightly focus quite a bit on education around here—the future success of our nation depends upon today's students. Since nearly one quarter of the students in America are at rural schools and the share of students in rural schools has been increasing, our Nation's success depends considerably on success in rural schools. Over half of the schools in West Virginia are in rural areas. This legislation will create an Office at the Department of Education to make sure the programs there are working for students in schools in rural areas.

Rural schools are not just miniature versions of their urban counterparts. They face special challenges and they have unique capabilities. Among the challenges faced are shrinking local tax bases, recruiting and retaining teachers and principals, limited access to advanced courses, and proportionally higher transportation costs. At the same time, rural communities, and I am very proud of the communities in West Virginia often provide a strong foundation for support and improvement. They are leaders in the use of distance learning. While smaller schools lack an economy of scale, they often profit from this small size and their closeness to community. Parental involvement and support is typically high. Rural schools can be very innovative, and research on what works in rural schools needs to be completed and disseminated.

The Office of Rural Education Policy is modeled after the successful Office of Rural Health Policy at the Department of Health and Human Services which Congress established in 1987. The office will be led by a director charged with coordinating the activities of the Department of Education concerning rural education. It will establish and maintain a clearinghouse for issues faced by rural schools, such as teacher and principal recruitment and retention; partnerships with community-based organizations; and financing of rural schools.

The office will identify innovative research and demonstration projects on rural schools, and recommend research to bridge any gaps. It will issue an annual report on the condition of rural education, and an analysis of the impact on rural education from proposed regulations and other activities will be made public.

Rural schools have been a part of our national fabric since its very beginning. Their students deserve the focus this legislation will provide. It has been said that education in rural America is ''too large to be ignored but too small and diverse to be highly visible.'' We need to establish this office so that it is not ignored and so that its successes are made more visible. I urge my colleagues to support this bill.

By Mr. CARDIN (for himself and Mr. CASEY):

S. 950. A bill to amend title 23, United States Code, to repeal a prohibition on allowing States to use toll revenues as State matching funds for Appalachian Development Highway projects; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today Senator CASEY and I are introducing a bill to help facilitate the completion of critically important transportation infrastructure to the Appalachian region of the United States. The Appalachian Development Highway System, ADHS, is designed to alleviate Appalachia's isolation from major commercial corridors and create better transportation connectivity between communities within the Region and to destinations outside of Appalachia.

According to the Appalachian Regional Commission, ARC: ''Because the cost of building highways through Appalachia's mountainous terrain was high, the Region had never been served by adequate roads. Its network of narrow, winding, two-lane roads, snaking through narrow stream valleys or over mountaintops, was slow to drive, unsafe, and in many places worn out. The Nation's interstate highway system had largely bypassed the Appalachian Region, going through or around the Region's rugged terrain as cost-effectively as possible.''

That's why in 1964, ARC recommended that investments in improving Appalachia's highways were essential to economic growth of this historically economically depressed region of the country. The ADHS is currently authorized at 3,090 miles and is nearly 88 percent complete or under construction. The remaining miles left to be built are located in some of the more difficult places to build located near the mid-Atlantic portion of Appalachia.

The difficulty of construction in this region makes these stretches of the ADHS more expensive to build as well. The legislation I am filing today will provide Appalachian States with greater flexibility on how they may raise and their portion of matching funds that are used towards ADHS projects.

Toll credits, first authorized in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), are being used extensively by States with toll facilities. As of May 31, 2007, over $18 billion in toll credits had been approved in 22 States and Puerto Rico. Toll credits are designed to encourage States to increase capital investment in transportation infrastructure and enable States to simplify program administration. However, there is an interesting exception for how and where toll credit may be used.

SAFETEA–LU included a modification to the toll credit requirements as codified in Section 120(j) of Title 23, United States Code, U.S.C., prohibiting the use of toll credits on the Appalachian Development Highway System program under Section 14501 of Title 40.

Our legislation, quite simply, repeals this prohibition against States using toll credits as their state matching funds for ADHS projects.

Given these particularly difficult economic times that have presented exceptional budgetary challenges for States to revenue adequate revenues to pay for essential infrastructure projects, I believe States need the flexibility to use highway revenues as they see fit regardless of the means in which those revenues are raised. The SAFETEA–LU prohibition against the use of toll credits on the ADHS is discriminatory against a particular revenue mechanism.

Allowing a State to use toll credits towards an ADHS project does not require that State to raise the tolls revenues on the ADHS road that the toll credits were used towards.

I urge my colleagues to join Sen. CASEY and I in repealing SAFETEA–LU's prohibition against one particular revenue stream that could be used to complete an incredibly important system of transportation infrastructure designed to serve a historically underserved region of rural America.

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. 950

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

SECTION 1. MATCHING FUNDS FOR APPALACHIAN DEVELOPMENT HIGHWAY PROJECTS.

Section 120(j)(1)(A) of title 23, United States Code, is amended by striking ''and the Appalachian development highway system program under section 14501 of title 40''.

Mr. CASEY. Mr. President, I rise today to discuss the development of the Appalachian Development Highway System, ADHS. The completion of this highway system, which connects 13 States from New York to Mississippi, is critical to the economic development of the region as a whole.

Despite the significant progress Appalachia has made over the past few decades, the region has continued to face economic challenges. In the 420-county region, approximately one fourth of these counties are designated as having high poverty, meaning that the poverty rate is 1.5 times the U.S. average. According to the Appalachian Regional Commission, two thirds of the Appalachian counties have unemployment rates that are higher than the national average.

Completion of the Appalachian Development Highway System will spur economic development in the region and create much needed jobs. The Federal Government has played a significant role in the development of this initiative and I urge my colleagues to renew this commitment.

Today, my colleague Senator CARDIN from Maryland and I introduced a bill that will help the continued development of this highway system. Our bill will reverse language in the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, SAFETEA–LU, that prohibits the use of toll credits for the non-federal share for ADHS projects. This legislation would allow States to unlock existing unspent balances and make it easier for States to access and leverage additional funding. Our bill will allow ADHS projects to move forward, such as Route 219 in my home State of Pennsylvania. In addition, this change would eliminate a disparity that does not exist for the vast majority of other Federal transportation programs.

I urge my colleagues to support this important piece of legislation.

By Mrs. MURRAY (for herself, Ms. MURKOWSKI, Mr. ROCKEFELLER, Mr. AKAKA, Mr. BAUCUS, Mr. BEGICH, Mrs. BOXER, Mr. BROWN of Ohio, Mr. CASEY, Mr. COONS. Mr. SANDERS, Mr. TESTER, Mr. LEAHY, and Mr. BROWN of Massachusetts)

S. 951. A bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and 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 Hiring Heroes Act of 2011.

My colleagues, including Senators MURKOWSKI, LEAHY, BAUCUS, ROCKEFELLER, AKAKA, BOXER, SANDERS, BROWN of Ohio, CASEY, TESTER, BEGICH, COONS, and BROWN of Massachusetts join me in introducing this important legislation. I appreciate their continued support of our Nation's veterans. I also want to thank the veterans service organizations and their representatives, who have supported this legislation, including Iraq and Afghanistan Veterans of America, Military Officers Association of America, The American Legion, Disabled American Veterans, and the Veterans of Foreign Wars of the United States.

Today, we are taking a huge step forward in rethinking the way we treat our men and women in uniform after they leave the military. For too long in this country we have invested billions of dollars in training our young men and women with new skills to protect our nation, only to turn our backs once they have left the military. For too long, at the end of their career we patted these troops on the back for their service and then pushed them out into the job market alone. Where has that left us today?

Today, we have an unemployment rate as high as 27 percent among young veterans coming home from Iraq and Afghanistan. That is over one in five of our Nation's heroes who cannot find a job to support their family; who do not have an income that provides stability; and do not have work that provides them with the self-esteem and pride that is so critical to their transition home.

All too often we read about the results of veterans who come home—often with the invisible wounds of war—who cannot find the dignity and security that work provides. We read about it in skyrocketing suicide statistics; problems at home; substance abuse problems, and even in rising rates of homelessness among our young veterans.

I frequently hear from veterans that we have failed to provide adequate job support. I have had veterans tell me that they no longer write the fact that they're a veteran on their resume because they fear the stigma that employers might attach to the invisible wounds of war. I have heard from medics like Eric Smith, a former Navy Corpsman who returned home from treating battlefield wounds and could not get certifications necessary to be an emergency medical technician or to drive an ambulance.

I have heard from veteran after veteran who said that they did not have to go through the military's job skills training program or that they were never taught how to use the vernacular of the business world to describe the benefits of their experience. These stories are as heartbreaking as they are frustrating, but more than anything they are a reminder that we have to act now.

The bill we are introducing today allows our men and women in uniform to capitalize on their service, while also ensuring that the American people capitalize on the investment we have made in them. For the first time, it would require broad job skills training for every servicemember as they leave the military as part of the military's Transition Assistance Program. Today, nearly ⅓ of our servicemembers do not get this training.

This bill would also allow servicemembers to begin the federal employment process prior to separation in order to facilitate a truly seamless transition from the military to jobs at the VA, Homeland Security or many of the other federal agencies in need of our veterans.

In addition, this bill also requires the Department of Labor to take a hard look at what military skills and training should be translatable into the civilian sector, and will work to make it simpler to get needed licenses or certifications.

Finally, this bill will allow for innovative partnerships with organizations that provide mentorship and training programs that are designed to lead to job placements. All of these are real, substantial steps to put our veterans to work, and all of them come at a pivotal time for our economic recovery and our veterans.

I grew up with the Vietnam War and I have dedicated much of my Senate career to helping to care for the veterans we left behind at that time. The mistakes we made then have cost our nation and our veterans dearly and have weighed on the conscience of this nation; yet today we stand on the brink of repeating those mistakes.

We cannot let that happen. Our Nation's veterans are disciplined, team players who have proven they can deliver under pressure like no one else. It is time for us to deliver for them.

This is not a full summary of all the provisions within this legislation. However, I hope that I have provided an appropriate overview of the major benefits this legislation would provide for America's servicemembers as they transition into civilian life. I also ask our colleagues for their continued support for the Nation's veterans.

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. 951

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 ''Hiring Heroes Act of 2011''.

SEC. 2. TWO-YEAR EXTENSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE REHABILITATION AND VOCATIONAL BENEFITS TO MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

Section 1631(b)(2) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended by striking ''December 31, 2012'' and inserting ''December 31, 2014''.

SEC. 3. EXPANSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PAY EMPLOYERS FOR PROVIDING ON-JOB TRAINING TO VETERANS WHO HAVE NOT BEEN REHABILITATED TO POINT OF EMPLOYABILITY.

Section 3116(b)(1) of title 38, United States Code, is amended by striking ''who have been rehabilitated to the point of employability''.

SEC. 4. TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES WHO HAVE EXHAUSTED RIGHTS TO UNEMPLOYMENT BENEFITS UNDER STATE LAW.

(a) ENTITLEMENT TO ADDITIONAL REHABILITATION PROGRAMS.—

(1) IN GENERAL.—Section 3102 of title 38, United States Code, is amended—

(A) in the matter before paragraph (1), by striking ''A person'' and inserting the following:

''(a) IN GENERAL.—A person''; and

(B) by adding at the end the following new paragraph:

''(b) ADDITIONAL REHABILITATION PROGRAMS FOR PERSONS WHO HAVE EXHAUSTED RIGHTS TO UNEMPLOYMENT BENEFITS UNDER STATE LAW.—(1) A person who has completed a rehabilitation program under this chapter shall be entitled to an additional rehabilitation program under the terms and conditions of this chapter if—

''(A) the person is described by paragraph (1) or (2) of subsection (a); and

''(B) the person—

''(i) has exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year;

''(ii) has no rights to regular compensation with respect to a week under such State or Federal law; and

''(iii) is not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

''(C) begins such additional rehabilitation program within six months of the date of such exhaustion.

''(2) For purposes of paragraph (1)(B)(i), a person shall be considered to have exhausted such person's rights to regular compensation under a State law when—

''(A) no payments of regular compensation can be made under such law because such person has received all regular compensation available to such person based on employment or wages during such person's base period; or

''(B) such person's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

''(3) In this subsection, the terms 'compensation', 'regular compensation', 'benefit year', 'State', 'State law', and 'week' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).''.

(2) DURATION OF ADDITIONAL REHABILITATION PROGRAM.—Section 3105(b) of such title is amended—

(A) by striking ''Except as provided in subsection (c) of this section,'' and inserting ''(1) Except as provided in paragraph (2) and in subsection (c),''; and

(B) by adding at the end the following new paragraph:

''(2) The period of a vocational rehabilitation program pursued by a veteran under section 3102(b) of this title following a determination of the current reasonable feasibility of achieving a vocational goal may not exceed 24 months.''.

(b) EXTENSION OF PERIOD OF ELIGIBILITY.—Section 3103 of such title is amended—

(1) in subsection (a), by striking ''in subsection (b), (c), or (d)'' and inserting ''in subsection (b), (c), (d), or (e)'';

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection (e):

''(e)(1) The limitation in subsection (a) shall not apply to a rehabilitation program described in paragraph (2).

''(2) A rehabilitation program described in this paragraph is a rehabilitation program pursued by a veteran under section 3102(b) of this title.''.

(c) EXCEPTION TO LIMITATION ON RECEIPT OF ASSISTANCE UNDER CHAPTER 31 AND ONE OR MORE PROGRAMS.—Section 3695(b) of such title is amended—

(1) by striking ''No person'' and inserting ''Except as provided in paragraph (2), no person''; and

(2) by adding at the end the following new paragraph:

''(2) Paragraph (1) shall not apply with respect to a rehabilitation program described in section 3103(e)(2) of this title.''.

SEC. 5. ASSESSMENT AND FOLLOW-UP ON VETERANS WHO PARTICIPATE IN DEPARTMENT OF VETERANS AFFAIRS TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) IN GENERAL.—Section 3106 of title 38, United States Code, is amended—

(1) by adding at the end the following new subsection:

''(g) For each rehabilitation program pursued by a veteran under this chapter, the Secretary shall contact such veteran not later than 180 days after the date on which such veteran completes such rehabilitation program or terminates participation in such rehabilitation program and not less frequently than once every 180 days thereafter for a period of one year to ascertain the employment status of the veteran and assess such rehabilitation program.''; and

(2) in the section heading, by adding ''**; program assessment and follow-up**'' at the end.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 31 of such title is amended by striking the item relating to section 3106 and inserting the following new item:

''3106. Initial and extended evaluations; determinations regarding serious employment handicap; program assessment and follow-up.''.

SEC. 6. MANDATORY PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN THE TRANSITIONAL ASSISTANCE PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 1144(c) of title 10, United States Code, is amended by striking ''shall encourage'' and all that follows and inserting ''shall require the participation in the program carried out under this section of the members eligible for assistance under the program.''.

(b) REQUIRED USE OF EMPLOYMENT ASSISTANCE, JOB TRAINING ASSISTANCE, AND OTHER TRANSITIONAL SERVICES IN PRESEPARATION COUNSELING.—Section 1142(a)(2) of such title is amended by striking ''may'' and inserting ''shall''.

SEC. 7. FOLLOW-UP ON EMPLOYMENT STATUS OF MEMBERS OF ARMED FORCES WHO RECENTLY PARTICIPATED IN TRANSITIONAL ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE.

For each individual who participates in the Transitional Assistance Program (TAP) of the Department of Defense, the Secretary of Labor shall contact such individual not later than 180 days after the date on which such individual completes such program and not less frequently than once every 90 days

thereafter for a period of 180 days to ascertain the employment status of such individual.

SEC. 8. COLLABORATIVE VETERANS' TRAINING, MENTORING, AND PLACEMENT PROGRAM.

(a) IN GENERAL.—Chapter 41 of title 38, United States Code, is amended by inserting after section 4104 the following new section:

"§ 4104A. Collaborative veterans' training, mentoring, and placement program

''(a) GRANTS.—The Secretary shall award grants to eligible nonprofit organizations to provide training and mentoring for eligible veterans who seek employment. The Secretary shall award the grants to not more than 3 organizations, for periods of 2 years.

''(b) COLLABORATION AND FACILITATION.—The Secretary shall ensure that the recipients of the grants—

''(1) collaborate with—

''(A) the appropriate disabled veterans' outreach specialists (in carrying out the functions described in section 4103A(a)) and the appropriate local veterans' employment representatives (in carrying out the functions described in section 4104); and

''(B) the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) for the areas to be served by recipients of the grants; and

''(2) based on the collaboration, facilitate the placement of the veterans that complete the training in meaningful employment that leads to economic self-sufficiency.

''(c) APPLICATION.—To be eligible to receive a grant under this section, a nonprofit organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the information shall include—

''(1) information describing how the organization will—

''(A) collaborate with disabled veterans' outreach specialists and local veterans' employment representatives and the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801));

''(B) based on the collaboration, provide training that facilitates the placement described in subsection (b)(2); and

''(C) make available, for each veteran receiving the training, a mentor to provide career advice to the veteran and assist the veteran in preparing a resume and developing job interviewing skills; and

''(2) an assurance that the organization will provide the information necessary for the Secretary to prepare the reports described in subsection (d).

''(d) REPORTS.—(1) Not later than 6 months after the date of enactment of the Hiring Heroes Act of 2011, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the process for awarding grants under this section, the recipients of the grants, and the collaboration described in subsections (b) and (c).

''(2) Not later than 18 months after the date of enactment of the Hiring Heroes Act of 2011, the Secretary shall—

''(A) conduct an assessment of the performance of the grant recipients, disabled veterans' outreach specialists, and local veterans' employment representatives in carrying out activities under this section, which assessment shall include collecting information on the number of—

''(i) veterans who applied for training under this section;

''(ii) veterans who entered the training;

''(iii) veterans who completed the training;

''(iv) veterans who were placed in meaningful employment under this section; and

''(v) veterans who remained in such employment as of the date of the assessment; and

''(B) submit to the appropriate committees of Congress a report that includes—

''(i) a description of how the grant recipients used the funds made available under this section;

''(ii) the results of the assessment conducted under subparagraph (A); and

''(iii) the recommendations of the Secretary as to whether amounts should be appropriated to carry out this section for fiscal years after 2013.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,500,000 for the period consisting of fiscal years 2012 and 2013.

''(f) DEFINITIONS.—In this section—

''(1) the term 'appropriate committees of Congress' means the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives; and

''(2) the term 'nonprofit organization' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code.''

(b) CONFORMING AMENDMENT.—Section 4103A of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting ''and facilitate placements'' after ''intensive services''; and

(2) by adding at the end the following:

''(3) In facilitating placement of a veteran under this program, a disabled veterans' outreach program specialist shall help to identify job opportunities that are appropriate for the veteran's employment goals and assist that veteran in developing a cover letter and resume that are targeted for those particular jobs.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by inserting after the item relating to section 4104 the following new item:

''4104A. Collaborative veterans' training, mentoring, and placement program.''.

SEC. 9. INDIVIDUALIZED ASSESSMENT FOR MEMBERS OF THE ARMED FORCES UNDER TRANSITION ASSISTANCE ON EQUIVALENCE BETWEEN SKILLS DEVELOPED IN MILITARY OCCUPATIONAL SPECIALITIES AND QUALIFICATIONS REQUIRED FOR CIVILIAN EMPLOYMENT WITH THE PRIVATE SECTOR.

(a) STUDY ON EQUIVALENCE REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor shall jointly enter into a contract with a qualified organization or entity jointly selected by the Secretaries, to conduct a study to identify any equivalences between the skills developed by members of the Armed Forces through various military occupational specialties (MOS) and the qualifications required for various positions of civilian employment in the private sector.

(2) COOPERATION OF FEDERAL AGENCIES.—The departments and agencies of the Federal Government, including the Office of Personnel Management, the General Services Administration, the Government Accountability Office, and other appropriate departments and agencies, shall cooperate with the contractor under paragraph (1) to conduct the study required under that paragraph.

(3) REPORT.—Upon completion of the study conducted under paragraph (1), the contractor under that paragraph shall submit to the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor a report setting forth the results of the study. The report shall include such information as the Secretaries shall specify in the contract under paragraph (1) for purposes of this section.

(4) TRANSMITTAL TO CONGRESS.—The Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor shall jointly transmit to Congress the report submitted under paragraph (3), together with such comments on the report as the Secretaries jointly consider appropriate.

(b) INDIVIDUALIZED ASSESSMENT OF CIVILIAN POSITIONS AVAILABLE THROUGH MOS SKILLS.—The Secretary of Defense shall ensure that each member of the Armed Forces who is participating in the Transition Assistance Program (TAP) of the Department of Defense receives, as part of such member's participation in that program, an individualized assessment of the various positions of civilian employment in the private sector for which such member may be qualified as a result of the skills developed by such member through such member's military occupational specialty. The assessment shall be performed using the results of the study conducted under subsection (a) and such other information as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs and the Secretary of Labor, considers appropriate for that purpose.

(c) FURTHER USE IN EMPLOYMENT-RELATED TRANSITION ASSISTANCE.—

(1) TRANSMITTAL OF ASSESSMENT.—The Secretary of Defense shall transmit the individualized assessment provided a member under subsection (a) to the Secretary of Veterans Affairs and the Secretary of Labor.

(2) USE IN ASSISTANCE.—The Secretary of Veterans Affairs and the Secretary of Labor may use an individualized assessment with respect to an individual under paragraph (1) for employment-related assistance in the transition from military service to civilian life provided the individual by such Secretary and to otherwise facilitate and enhance the transition of the individual from military service to civilian life.

SEC. 10. APPOINTMENT OF HONORABLY DISCHARGED MEMBERS AND OTHER EMPLOYMENT ASSISTANCE.

(a) APPOINTMENT OF HONORABLY DISCHARGED MEMBERS OF THE UNIFORMED SERVICES TO CIVIL SERVICE POSITIONS.—

(1) IN GENERAL.—Chapter 33 of title 5, United States Code, is amended by inserting after section 3330c the following:

"§ 3330d. Honorably discharged members of the uniformed services

''The head of an executive agency may appoint a member of the uniformed services who is honorably discharged to a position in the civil service without regard to sections 3301 through 3330c during the 180-day period beginning on the date that the individual is honorably discharged, if that individual is otherwise qualified for the position.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by adding after the item relating to section 3330c the following:

''3330d. Honorably discharged members of the uniformed services.''.

(b) EMPLOYMENT ASSISTANCE: OTHER FEDERAL AGENCIES.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code; and

(B) the term ''veteran'' has the meaning given that term in section 101 of title 38, United States Code.

(2) RESPONSIBILITIES OF OFFICE OF PERSONNEL MANAGEMENT.—The Director of the Office of Personnel Management shall—

(A) designate agencies that shall establish a program to provide employment assistance

to members of the armed forces who are being separated from active duty in accordance with paragraph (3); and

(B) ensure that the programs established under this subsection are coordinated with the Transition Assistance Program (TAP) of the Department of Defense.

(3) ELEMENTS OF PROGRAM.—The head of each agency designated under paragraph (2)(A), in consultation with the Director of the Office of Personnel Management, and acting through the Veterans Employment Program Office of the agency established under Executive Order 13518 (74 Fed. Reg. 58533; relating to employment of veterans in the Federal Government), or any successor thereto, shall—

(A) establish a program to provide employment assistance to members of the Armed Forces who are being separated from active duty, including assisting such members in seeking employment with the agency;

(B) provide such members with information regarding the program of the agency established under subparagraph (A); and

(C) promote the recruiting, hiring, training and development, and retention of such members and veterans by the agency.

(4) OTHER OFFICE.—If an agency designated under paragraph (2)(A) does not have a Veterans Employment Program Office, the head of the agency, in consultation with the Director of the Office of Personnel Management, shall select an appropriate office of the agency to carry out the responsibilities of the agency under paragraph (3).

SEC. 11. OUTREACH PROGRAM FOR CERTAIN VETERANS RECEIVING UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—The Secretary of Labor shall carry out a program through the Assistant Secretary of Labor for Veterans' Employment and Training, the disabled veterans' outreach program specialists employed under section 4103A of title 38, United States Code, and local veterans' employment representatives employed under section 4104 of such title to provide outreach to covered veterans and provide them with assistance in finding employment.

(b) COVERED VETERANS.—For purposes of this section, a covered veteran is a veteran who—

(1) recently separated from service in the Armed Forces; and

(2) has been in receipt of assistance under the Unemployment Compensation for Ex-servicemembers program under subchapter II of chapter 85 of title 5 for more than 105 days.

SEC. 12. DEPARTMENT OF DEFENSE PILOT PROGRAM ON WORK EXPERIENCE FOR MEMBERS OF THE ARMED FORCES ON TERMINAL LEAVE.

(a) IN GENERAL.—The Secretary of Defense may establish a pilot program to assess the feasibility and advisability of providing to covered individuals work experience with civilian employees and contractors of the Department of Defense to facilitate the transition of the individuals from service in the Armed Forces to employment in the civilian labor market.

(b) COVERED INDIVIDUALS.—For purposes of this section, a covered individual is any individual who—

(1) is a member of the Armed Forces;

(2) the Secretary expects to be discharged or separated from service in the Armed Forces and is on terminal leave;

(3) the Secretary determines has skills that can be used to provide services to the Department that the Secretary considers critical to the success of the mission of the Department; and

(4) the Secretary determines might benefit from exposure to the civilian work environment while working for the Department in order to facilitate a transition of the individual from service in the Armed Forces to employment in the civilian labor market.

(c) DURATION.—The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(d) REPORT.—Not later than 540 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate and the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives a report on the pilot program that includes the findings of the Secretary with respect to the feasibility and advisability of providing covered individuals with work experience as described in subsection (a).

SEC. 13. ENHANCEMENT OF DEMONSTRATION PROGRAM ON CREDENTIALING AND LICENSING OF VETERANS.

Section 4114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ''may'' and inserting ''shall'';

(2) in subsection (b)(1)—

(A) by striking ''Assistant Secretary shall'' and inserting ''Assistant Secretary of Veterans' Employment and Training shall, in consultation with the Assistant Secretary for Employment and Training,'';

(B) by striking ''10 military'' and inserting ''five military''; and

(C) by inserting ''of Veterans' Employment and Training'' after ''selected by the Assistant Secretary''; and

(3) by striking subsections (d) through (h) and inserting the following:

''(d) PERIOD OF PROJECT.—The period during which the Assistance Secretary shall carry out the demonstration project under this section shall be the two-year period beginning on the date of the enactment of the Hiring Heroes Act of 2011.''.

By Mr. DURBIN (for himself, Mr. REID, Mr. LEAHY, Mr. SCHUMER, Mr. MENENDEZ, Mr. LEVIN, Mr. LIEBERMAN, Mr. AKAKA, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mrs. BOXER, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. COONS, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. LAUTENBERG, Mr. MERKLEY, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. REED, Mr. SANDERS, Mr. UDALL of Colorado, and Mr. WHITEHOUSE):

S. 952. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. We had a historic vote in the Senate last December on the DREAM Act. Senator HARRY REID, the majority leader, promised that we would bring this measure for consideration on the floor of the Senate. Some people on both sides of the aisle said, it is a bad idea, do not do it. But he kept his word, and I am glad he did.

We called it. We had three Republican votes, and we fell short. Oh, we had a majority. It seems as if we always have a majority when we call this bill. But because of the threat of a Republican filibuster, we needed 60 votes, and we did not reach the 60 votes necessary. So 55 Senators, a bipartisan majority, voted for the DREAM Act. I have reintroduced it today. By way of background, this is a simple piece of legislation, but it is one that affects thousands of people across America. It came to my attention 10 years ago when a Korean-American woman called me in my Chicago office and told me she had a problem.

She had come to the United States about 18 years before and brought her little girl with her. She had raised a family. She was now a naturalized citizen. The children who were born in the United States were citizens. But her older daughter was in a different status. Her older daughter was a special person. Her older daughter was a concert pianist who had been accepted at the Julliard School of Music in New York, the best. As she filled out the application form, and they asked for her citizenship, she turned to her mom and said: USA, right?

And her mom said: You know, we never filed any papers for you.

So the little girl said: What should we do?

And her mom said: We ought to call DURBIN.

So they called my office, thinking I could solve this. I found out the awful truth. Our laws currently say the only recourse for that little girl—who came here at the age of 2, who grew up in the United States, going to school here, saying the Pledge of Allegiance to our flag every morning, singing the only national anthem she knew, speaking the only language she knew—under our law could never be a U.S. citizen and had to leave our country.

What is wrong with this? Well, it is unfair. That is what is wrong. At 2 years of age, she had no voice in the decision of her family to come here. She had done everything right. All she was asking for, all she continues to ask for, is a chance to be part of the only country she has ever known, a country she dearly loves.

The DREAM Act gives young people that chance. It says: You can have a chance if you graduate high school, have no criminal record involving anything of a serious nature, if you are prepared go through and prove that you have been in the United States, came before the age of 16, been here at least 5 years, then you will have a chance to apply. If you apply, you have two ways that you can reach legal status in our country: Serve in our military, or complete at least 2 years of college. For thousands of young people across America, this is the only way to get them out of their current situation.

We just had a press conference with Senator HARRY REID and Senator BOB MENENDEZ, as well as Senator BLUMENTHAL of Connecticut to reintroduce this DREAM Act. At that press conference was a young woman who

told her story. Like thousands of others it is a compelling personal story. Her name is Tolu Olubunmi. She was born in Nigeria and brought to the United States as a child. She graduated her high school with honors. She was awarded a full scholarship to one of the Nation's top universities. In college, she was a leader: a peer counselor, a resident assistant, a volunteer in an abused women's shelter, and a research analyst in the department of engineering.

Tolu received a bachelor's degree in chemical engineering in 2002. But she has never been able to work 1 day as a chemical engineer in America because she is undocumented.

She cannot leave this country, because she could not return. She cannot get a job in this country because she is undocumented. Her whole life is focused on America. She is asking for a chance to be an engineer, to be a productive part of America, to move us forward as a nation. The DREAM Act would give her that chance.

When we introduced the bill today, we have 32 original cosponsors. We are hoping for more. We have the Democratic leadership, the Chairs of the Judiciary, Armed Services, and Homeland Security Committees, and all 10 Democratic members of the Judiciary Committee. I want to thank the lead sponsors over in the House: HOWARD BERMAN of California, LUIS GUTIERREZ, from my State of Illinois, and ILEANA ROS-LEHTINEN of Florida. Thanks to their leadership last year, the House passed the DREAM Act.

I want to especially thank the President. As a Senator and my colleague from Illinois, he was a cosponsor of this bill. He has been a strong supporter ever since. He never fails to mention the DREAM Act in his conversations with America about immigration. Yesterday, he said:

> These are kids who grew up in this country, love this country, and know no other place as home. The idea that we should punish them is cruel and it makes no sense. We are a better nation than that.

The President is right. This is a matter of simple justice. Thousands of immigrant students in America were brought here as children. It was not their decision to come here. But they grew up here and they called it home. The fundamental premise of the DREAM Act is an American premise. We do not hold children responsible for the wrongdoings of their parents.

These young people do not want a free pass. They do not want amnesty. All they want is a chance to earn their place in America. That is what the DREAM Act would give them. The DREAM Act would strengthen our national security, making thousands of young people eligible to serve. That is why the Department of Defense and Secretary Gates support it.

In fact, the Secretary said:

> There is a rich precedence supporting the service of non-citizens in the U.S. military. . . . The DREAM Act represents an opportunity to expand this pool to the advantage of military recruiting and readiness.

The first casualty in the war in Iraq was a Hispanic who was not a citizen of the United States, was not even a permanent resident of the United States. But he had volunteered to serve his country and gave his life. I think that shows the level of commitment these young people have to this great Nation.

A recent study at UCLA found that allowing the DREAM Act to pass would put so many productive young people into our economy, they will generate jobs, they will build businesses, they will help our economy grow.

I want to salute in your home State of New York, Madam President, Mayor Michael Bloomberg who has spoken out in support of the DREAM Act, and said:

> They are just the kind of immigrants we need to help solve our unemployment problem. Some of them will go on to create new small businesses and hire people. It is senseless for us to chase out the home-grown talent that has the potential to contribute so significantly to our society.

When you take a look at the supporters of the DREAM Act, they have such diverse backgrounds. They include business leaders such as Rupert Murdoch, and the CEOs of companies such as Microsoft and Pfizer.

There are some who oppose the DREAM Act and argue that we need to enhance border security first. I can certainly make the argument, as the President did yesterday, that we have done extraordinary things, more than doubling the number of people at the border, adding technical devices there to detect people who are trying to cross, using drones, building fences.

We have gone, I think, as far as I can imagine, but I am open—I told a Republican Senator this morning: I am open to any reasonable suggestion to make the border safer. But I say to my friends on the other side of the aisle, if we show good faith in border enforcement, can you join us by showing good faith in helping to pass the DREAM Act? I do not think that is an unreasonable exchange. I am open to their ideas. I hope they are open to the idea of the DREAM Act.

I also have to say that many of the young people who are affected by this have been dramatically positive in their contribution to America. There are restrictions in the DREAM Act that prevent abuse. The DREAM Act students would not be eligible for Pell grants or other Federal grants, which means they are going to pay more to go to school.

DREAM Act students will be subject to tough criminal penalties for fraud, including a prison sentence of up to 5 years. No one is eligible for the DREAM Act unless they arrived in the United States at least 5 years before the bill becomes law, and there is no exception and no waiver.

Also the DREAM Act specifically includes a 1-year application deadline. An individual would be required to apply for conditional nonimmigrant status within 1 year of obtaining a high school degree or GED, or within 1 year of when the bill becomes law.

This is not an amnesty. On many occasions I have come to the floor to tell the personal stories of people who are involved. Their lives speak more eloquently than anything I can say on the floor. Let me tell you about Nelson and Jhon Magdaleno. They are brothers who came to the United States from Venezuela when Nelson was 11 and Jhon was 9. They were both honor students at Lakeside High School in Atlanta, GA. This is a picture of Nelson Magdaleno at graduation. Jhon, his brother, served with distinction in the Air Force Junior Officer Reserve Corps. He was the fourth highest ranking officer in a 175-officer cadet unit and commander of the Air Honor Society. Here is a picture of Jhon in his ROTC uniform in high school.

Both Jhon and Nelson are honor students at Georgia Tech University, a great school. It is one of the most selective engineering schools in America. Nelson, who is now 21, is a junior. He is a computer engineering major with a 3.6 GPA. Jhon, 18, is a freshman. He is a biomedical engineering major with a 4.0 GPA.

Let me ask my colleagues, can we afford to lose these two young people? Well, I guess we could but at great expense because their talent, their energy, their determination to make a contribution to America can make us a better nation. I don't think returning them to Venezuela, a country they have never called home, is going to be good for the United States.

John David Bunting, Nelson and Jhon's uncle, wrote me a letter about his nephews. Here is what he said:

> They will be able to give back so much to our country if they are allowed to stay. I am overwhelmed by my pride in them and how they have managed to persevere and even flourish under these circumstances. . . . I also have two young sons and I teach them about the incredible history of the United States and the way that our country can address wrongs committed in its name and come out of the process even stronger. Please help us.

Nelson and Jhon asked the Department of Homeland Security to stop their deportation proceedings. After I received their uncle's letter, I contacted the Department and asked them to consider this case. The Department has decided to grant a stay to Nelson and Jhon to give them a chance to continue their education. That was clearly the right thing to do.

Some have criticized the Obama administration for granting this kind of deferral action to a small number of DREAM Act students, but this is exactly what the Bush administration did. I wish to commend President George Bush, who was steadfast and consistent in his support of immigration reform.

It is a waste of limited resources to deport two fine engineering students from the United States, and it is entirely consistent with the law to grant them deferred action.

Let me tell my colleagues about another student, Pedro Pedroza. Here is his photograph. Pedro was brought to Chicago from Mexico when he was 5 years old. He graduated from St. Agnes Catholic School in Little Village, a great part of our city of Chicago. He was an honor student at St. Ignatius College Prep, one of the best schools in Chicago. He is now a student in New York at Cornell University in Ithaca. His goal is to become a teacher.

Do we need teachers with his qualities? You bet we do, not just in New York but in Illinois and across America. But, unfortunately, Pedro is in deportation proceedings. He was riding a bus from Chicago back to school in New York when immigration agents arrested him. He has asked the Department of Homeland Security to grant him a stay, and I hope they will. It makes no sense to send someone like Pedro, who has so much to contribute, to a country he barely remembers.

Here is what he wrote to me in a letter:

> Mexico is not only unfamiliar to me, but leaving the U.S. means leaving everything and everyone I know. I only hope I can have a future in the U.S. for as long as I am here. Even if I am left no choice but to leave for Mexico, I would still strive to adjust my status and return to a place I consider home—The United States of America.

The last photograph I wish to show is Steve Li. This is his photograph. His parents brought him to the United States when he was 11 years old. He is a student at the City College of San Francisco where he has majored in nursing and is a leader in student government. He wrote a letter:

> My dream is to become a registered nurse at San Francisco General Hospital and be a public health advocate. I want to give back to my community by raising awareness about preventive care and other health care issues. I am well on my way to achieving that dream. By passing the DREAM Act, I will be able to achieve these goals and contribute to the growing health care industry.

So can we use more health care professionals? You bet we could. Nurses, we need a lot of them. In fact, the United States imports thousands of foreign nurses each year in this country because we just don't have enough.

Unfortunately, Steve Li is also in deportation proceedings. His case is especially complicated because while his parents are Chinese, he was born in Peru. So he could be deported back to Peru where he knows no one and has no family members.

Senator FEINSTEIN asked the Department of Homeland Security to consider his case. They have given him a temporary stay, for now.

I first introduced the DREAM Act 10 years ago. Since then, I have met so many immigrant students who would qualify for it. When I first brought up this bill I used to have meetings in Chicago. After the meetings, without fail there would be someone waiting for me outside. Sometimes in the dark of night they would be standing by my car. They were always young and most of them had tears in their eyes, and they would say to me: Senator DURBIN, please pass the DREAM Act. It is my life.

Times have changed. Ten years of effort, even passing it with a majority, hasn't resulted in this becoming a law because of the Republican filibuster. Times have changed to the point where the DREAM Act students are now stepping up and saying: Here we are. This is who we are. We are not going to hide in the shadows anymore.

When we debated that bill on the floor of the Senate last December, the galleries were filled with students wearing graduation gowns and caps, waiting, praying for the vote, and it failed. They left, many of them crying. They went downstairs, and I met with them. They couldn't have felt worse. They just don't know where to turn. They are being rejected by the only country they have ever known, the only place they have ever called home.

I said to them: I am not giving up on you. Don't give up on me. We are going to keep working on this.

We reintroduced the bill today. I thank my colleagues who have already cosponsored it. I urge and plead with others who have not for simple justice and fairness. Give these young people a chance. That is all they are asking for.

Mr. WHITEHOUSE. Mr. President, let me express my great appreciation to Senator DURBIN of Illinois for his many years of leadership on this issue. I am very proud to be a cosponsor of his legislation, and I look forward to passing this bill.

I am reminded of the story in the Bible of Joshua at Jericho. It was not the first time around Jericho that the horns of Joshua and his Israelite Army brought down the walls. If I recall the Bible correctly, it was seven times around those walls before they came tumbling down, but tumble down is what they did.

I look forward to joining the Joshua of this crusade, Senator DURBIN, to go around those walls as long as it takes in order to get the DREAM Act passed.

Mr. DURBIN. 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. 952

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Development, Relief, and Education for Alien Minors Act of 2011''or the ''DREAM Act of 2011''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Conditional permanent resident status for certain long-term residents who entered the United States as children.
Sec. 4. Terms of conditional permanent resident status.
Sec. 5. Removal of conditional basis of permanent resident status.
Sec. 6. Regulations.
Sec. 7. Penalties for false statements.
Sec. 8. Confidentiality of information.
Sec. 9. Higher education assistance.

SEC. 2. DEFINITIONS.

In this Act:

(1) IN GENERAL.—Except as otherwise specifically provided, a term used in this Act that is used in the immigration laws shall have the meaning given such term in the immigration laws.

(2) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), except that the term does not include an institution of higher education outside the United States.

(4) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of Homeland Security.

(5) UNIFORMED SERVICES.—The term ''Uniformed Services'' has the meaning given the term ''uniformed services'' in section 101(a) of title 10, United States Code.

SEC. 3. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, an alien shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence under this section, to have obtained such status on a conditional basis subject to the provisions of this Act.

(b) REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, an alien who is inadmissible or deportable from the United States or is in temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a), if the alien demonstrates by a preponderance of the evidence that—

(A) the alien has been continuously physically present in the United States since the date that is 5 years before the date of the enactment of this Act;

(B) the alien was 15 years of age or younger on the date the alien initially entered the United States;

(C) the alien has been a person of good moral character since the date the alien initially entered the United States;

(D) subject to paragraph (2), the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

(ii) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; and

(iii) has not been convicted of—

(I) any offense under Federal or State law punishable by a maximum term of imprisonment of more than 1 year; or

(II) 3 or more offenses under Federal or State law, for which the alien was convicted on different dates for each of the 3 offenses and imprisoned for an aggregate of 90 days or more;

(E) the alien—

(i) has been admitted to an institution of higher education in the United States; or

(ii) has earned a high school diploma or obtained a general education development certificate in the United States; and

(F) the alien was 35 years of age or younger on the date of the enactment of this Act.

(2) WAIVER.—With respect to any benefit under this Act, the Secretary may waive the grounds of inadmissibility under paragraph (6)(E), (6)(G), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not grant permanent resident status on a conditional basis to an alien under this section unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for applicants who are unable to provide such biometric or biographic data because of a physical impairment.

(4) BACKGROUND CHECKS.—

(A) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary shall utilize biometric, biographic, and other data that the Secretary determines is appropriate—

(i) to conduct security and law enforcement background checks of an alien seeking permanent resident status on a conditional basis under this section; and

(ii) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for such status.

(B) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks required by subparagraph (A) for an alien shall be completed, to the satisfaction of the Secretary, prior to the date the Secretary grants permanent resident status on a conditional basis to the alien.

(5) MEDICAL EXAMINATION.—An alien applying for permanent resident status on a conditional basis under this section shall undergo a medical examination. The Secretary, with the concurrence of the Secretary of Health and Human Services, shall prescribe policies and procedures for the nature and timing of such examination.

(6) MILITARY SELECTIVE SERVICE.—An alien applying for permanent resident status on a conditional basis under this section shall establish that the alien has registered under the Military Selective Service Act (50 U.S.C. App. 451 et seq.), if the alien is subject to such registration under that Act.

(c) DETERMINATION OF CONTINUOUS PRESENCE.—

(1) TERMINATION OF CONTINUOUS PERIOD.—Any period of continuous physical presence in the United States of an alien who applies for permanent resident status on a conditional basis under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(2) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(A) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (b)(1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(B) EXTENSIONS FOR EXTENUATING CIRCUMSTANCES.—The Secretary may extend the time periods described in subparagraph (A) for an alien if the alien demonstrates that the failure to timely return to the United States was due to extenuating circumstances beyond the alien's control.

(d) APPLICATION.—

(1) IN GENERAL.—An alien seeking lawful permanent resident status on a conditional basis shall file an application for such status in such manner as the Secretary may require.

(2) DEADLINE FOR SUBMISSION OF APPLICATION.—An alien shall submit an application for relief under this section not later than the date that is 1 year after the later of—

(A) the date the alien earned a high school diploma or obtained a general education development certificate in the United States; or

(B) the effective date of the final regulations issued pursuant to section 6.

(e) LIMITATION ON REMOVAL OF CERTAIN ALIENS.—

(1) IN GENERAL.—The Secretary or the Attorney General may not remove an alien who—

(A) has a pending application for relief under this section; and

(B) establishes prima facie eligibility for relief under this section.

(2) CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—

(A) STAY OF REMOVAL.—The Attorney General shall stay the removal proceedings of an alien who—

(i) meets all the requirements of subparagraphs (A), (B), (C), (D), and (F) of subsection (b)(1);

(ii) is at least 5 years of age; and

(iii) is enrolled full-time in a primary or secondary school.

(B) ALIENS NOT IN REMOVAL PROCEEDINGS.—If an alien is not in removal proceedings, the Secretary shall not commence such proceedings with respect to the alien if the alien is described in clauses (i) through (iii) of subparagraph (A).

(C) EMPLOYMENT.—An alien whose removal is stayed pursuant to subparagraph (A) or who may not be placed in removal proceedings pursuant to subparagraph (B) shall, upon application to the Secretary, be granted an employment authorization document.

(D) LIFT OF STAY.—The Secretary or Attorney General may lift the stay granted to an alien under subparagraph (A) if the alien—

(i) is no longer enrolled in a primary or secondary school; or

(ii) ceases to meet the requirements of such paragraph.

(f) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section or in any other law may be construed to apply a numerical limitation on the number of aliens who may be eligible for adjustment of status under this Act.

SEC. 4. TERMS OF CONDITIONAL PERMANENT RESIDENT STATUS.

(a) PERIOD OF STATUS.—Permanent resident status on a conditional basis granted under this Act is—

(1) valid for a period of 6 years, unless such period is extended by the Secretary; and

(2) subject to termination under subsection (c).

(b) NOTICE OF REQUIREMENTS.—

(1) AT TIME OF OBTAINING STATUS.—At the time an alien obtains permanent resident status on a conditional basis under this Act, the Secretary shall provide for notice to the alien regarding the provisions of this Act and the requirements to have the conditional basis of such status removed.

(2) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary to provide a notice under this subsection—

(A) shall not affect the enforcement of the provisions of this Act with respect to the alien; and

(B) shall not give rise to any private right of action by the alien.

(c) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary shall terminate the conditional permanent resident status of an alien, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (C) or (D) of section 3(b)(1); or

(B) was discharged from the Uniformed Services and did not receive an honorable discharge.

(d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

(1) IN GENERAL.—Except as provided in paragraph (2), an alien whose permanent resident status on a conditional basis expires under subsection (a)(1) or is terminated under subsection (c) or whose application for such status is denied shall return to the immigration status the alien had immediately prior to receiving permanent resident status on a conditional basis or applying for such status, as appropriate.

(2) SPECIAL RULE FOR TEMPORARY PROTECTED STATUS.—In the case of an alien whose permanent resident status on a conditional basis expires under subsection (a)(1) or is terminated under subsection (c) or whose application for such status is denied and who had temporary protected status immediately prior to receiving or applying for such status, as appropriate, the alien may not return to temporary protected status if—

(A) the relevant designation under section 244(b) of the Immigration and Nationality Act (8 U.S.C. 1254a(b)) has been terminated; or

(B) the Secretary determines that the reason for terminating the permanent resident status on a conditional basis renders the alien ineligible for temporary protected status.

(e) INFORMATION SYSTEMS.—The Secretary shall use the information systems of the Department of Homeland Security to maintain current information on the identity, address, and immigration status of aliens granted permanent resident status on a conditional basis under this Act.

SEC. 5. REMOVAL OF CONDITIONAL BASIS OF PERMANENT RESIDENT STATUS.

(a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL BASIS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may remove the conditional basis of an alien's permanent resident status granted under this Act if the alien demonstrates by a preponderance of the evidence that—

(A) the alien has been a person of good moral character during the entire period of conditional permanent resident status;

(B) the alien is described in section 3(b)(1)(D);

(C) the alien has not abandoned the alien's residence in the United States;

(D) the alien—

(i) has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States; or

(ii) has served in the Uniformed Services for at least 2 years and, if discharged, received an honorable discharge; and

(E) the alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary may, in the Secretary's discretion, remove the conditional basis of an alien's permanent resident status if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), (C), and (E) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to satisfy the requirements of subparagraph (D) of such paragraph; and

(iii) demonstrates that the alien's removal from the United States would result in extreme hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary may extend the period of permanent resident status on a conditional basis for an alien so that the alien may complete the requirements of subparagraph (D) of paragraph (1).

(3) TREATMENT OF ABANDONMENT OR RESIDENCE.—For purposes of paragraph (1)(C), an alien—

(A) shall be presumed to have abandoned the alien's residence in the United States if the alien is absent from the United States for more than 365 days, in the aggregate, during the alien's period of conditional permanent resident status, unless the alien demonstrates to the satisfaction of the Secretary that the alien has not abandoned such residence; and

(B) who is absent from the United States due to active service in the Uniformed Services has not abandoned the alien's residence in the United States during the period of such service.

(4) CITIZENSHIP REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the conditional basis of an alien's permanent resident status may not be removed unless the alien demonstrates that the alien satisfies the requirements of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

(B) EXCEPTION.—Subparagraph (A) shall not apply to an alien who is unable because of a physical or developmental disability or mental impairment to meet the requirements of such subparagraph.

(5) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not remove the conditional basis of an alien's permanent resident status unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for applicants who are unable to provide such biometric data because of a physical impairment.

(6) BACKGROUND CHECKS.—

(A) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary shall utilize biometric, biographic, and other data that the Secretary determines appropriate—

(i) to conduct security and law enforcement background checks of an alien applying for removal of the conditional basis of the alien's permanent resident status; and

(ii) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for removal of such conditional basis.

(B) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks required by subparagraph (A) for an alien shall be completed, to the satisfaction of the Secretary, prior to the date the Secretary removes the conditional basis of the alien's permanent resident status.

(b) APPLICATION TO REMOVE CONDITIONAL BASIS.—

(1) IN GENERAL.—An alien seeking to have the conditional basis of the alien's lawful permanent resident status removed shall file an application for such removal in such manner as the Secretary may require.

(2) DEADLINE FOR SUBMISSION OF APPLICATION.—

(A) IN GENERAL.—An alien shall file an application under this subsection during the period beginning 6 months prior to and ending on the date that is later of—

(i) 6 years after the date the alien was initially granted conditional permanent resident status; or

(ii) any other expiration date of the alien's conditional permanent resident status, as extended by the Secretary in accordance with this Act.

(B) STATUS DURING PENDENCY.—An alien shall be deemed to have permanent resident status on a conditional basis during the period that the alien's application submitted under this subsection is pending.

(3) ADJUDICATION OF APPLICATION.—

(A) IN GENERAL.—The Secretary shall make a determination on each application filed by an alien under this subsection as to whether the alien meets the requirements for removal of the conditional basis of the alien's permanent resident status.

(B) ADJUSTMENT OF STATUS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and remove the conditional basis of the alien's permanent resident status, effective as of the date of such determination.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and, if the period of the alien's conditional permanent resident status under section 4(a)(1) has ended, terminate the conditional permanent resident status granted the alien under this Act as of the date of such determination.

(c) TREATMENT FOR PURPOSES OF NATURALIZATION.—

(1) IN GENERAL.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), an alien granted permanent resident status on a conditional basis under this Act shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence.

(2) LIMITATION ON APPLICATION FOR NATURALIZATION.—An alien may not apply for naturalization during the period that the alien is in permanent resident status on a conditional basis under this Act.

SEC. 6. REGULATIONS.

(a) INITIAL PUBLICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish regulations implementing this Act. Such regulations shall allow eligible individuals to apply affirmatively for the relief available under section 3 without being placed in removal proceedings.

(b) INTERIM REGULATIONS.—Notwithstanding section 553 of title 5, United States Code, the regulations required by subsection (a) shall be effective, on an interim basis, immediately upon publication but may be subject to change and revision after public notice and opportunity for a period of public comment.

(c) FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with subsection (b), the Secretary shall publish final regulations implementing this Act.

(d) PAPERWORK REDUCTION ACT.—The requirements of chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'') shall not apply to any action to implement this Act.

SEC. 7. PENALTIES FOR FALSE STATEMENTS.

Whoever files an application for any relief or benefit under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

SEC. 8. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by an individual pursuant to an application filed under this Act in removal proceedings against any person identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or

(3) permit anyone other than an officer, employee or authorized contractor of the United States Government or, in the case of an application filed under this Act with a designated entity, that designated entity, to examine such application filed under such sections.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary shall provide the information furnished under this Act, and any other information derived from such furnished information, to—

(1) a Federal, State, tribal, or local law enforcement agency, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution, a background check conducted pursuant to section 103 of the Brady Handgun Violence Protection Act (Public Law 103–159; 18 U.S.C. 922 note), or national security purposes, if such information is requested by such entity or consistent with an information sharing agreement or mechanism; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) FRAUD IN APPLICATION PROCESS OR CRIMINAL CONDUCT.—Notwithstanding any other provision of this section, information concerning whether an alien seeking relief under this Act has engaged in fraud in an application for such relief or at any time committed a crime may be used or released for immigration enforcement, law enforcement, or national security purposes.

(d) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 9. HIGHER EDUCATION ASSISTANCE.

(a) IN GENERAL.—Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who has permanent resident status on a conditional basis under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts D and E of such title IV (20 U.S.C. 1087a et seq. and 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

(b) RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.—

(1) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(2) EFFECTIVE DATE.—The repeal under paragraph (1) shall take effect as if included in the enactment of the Illegal Immigration

Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546).

By Mr. LUGAR:

S. 954. A bill to promote the strengthening of the Haitian private sector; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise to introduce legislation that will lead to the establishment of the Haitian-American Enterprise Fund. The Haitian-American Enterprise Fund bill authorizes the Administration to allocate, from existing resources, such sums as required to create the Fund. The mission of the Fund will be to help empower Haiti's private sector to create jobs, which will contribute towards achieving long-term social stability and economic growth.

Last month, I asked six of the most distinguished directors of the former enterprise funds in Eastern Europe and the former Soviet Union to travel to Haiti to evaluate the current status of Haiti's private sector, the scope of U.S. Government efforts targeting sustainable job creation, and the role, if any, an enterprise fund might play there in promoting economic growth. Led by Kim Davis, a founder of the private equity firm Charlesbank Capital Partners, each member of the Delegation has had a very successful private sector career and each traveled to Haiti, at his or her own expense, in order to provide the Congress an experienced perspective as to whether proven economic growth strategies they employed to strengthen other fragile countries might work in Haiti. They were also asked to describe what immediate actions they would recommend, if any, to jump-start Haiti's private sector, with a particular emphasis on entrepreneurship, and other initiatives that could assist Haiti in its necessary transition to a nation with a middle class and a market economy.

In a recent letter to me, Haitian President-elect Michel Martelly noted he is fully supportive of efforts to create an enterprise fund for Haiti. Enterprise funds have historically filled important voids in the nascent capital markets of fragile economies. President-elect Martelly has indicated a keen interest in creating an enterprise fund in order to generate lending vehicles for mortgages and agricultural loans—as housing and agricultural production rank among his top priorities. There are many other voids in Haiti's economy that have been identified, which previous enterprise funds have effectively worked to address in other countries.

The Delegation's report makes clear that enterprise funds are not silver bullets. However, at a time when we face significant domestic and global economic challenges, the enterprise fund model, if implemented effectively, provides a proven vehicle by which the U.S. Government can leverage the extensive intellectual and financial capital of the American business community in order to help address these challenges in underdeveloped economies such as that of Haiti. As an example, the Polish Fund received a USG grant of $240 million in 1990 and used that to attract more than $2.3 billion to Poland over the next several years.

Since Senator LEAHY and I introduced legislation authorizing the creation of an enterprise fund for Haiti in April 2010, the Administration has requested that enterprise funds also be created for Pakistan, Egypt, Tunisia and Jordan. Such keen interest in utilizing the enterprise fund model for advancing sustainable economic growth is welcomed. Empowering a group of U.S. citizens who understand democratic capitalism to help translate our foreign assistance strategies into practical actions will complement the important work performed by our capable diplomats and development experts.

The May 14, 2011 inauguration of Mr. Martelly as President of Haiti provides an opportunity to start anew. Congress should aide the President-elect in this important effort by honoring his request for the creation of a Haitian-American Enterprise Fund. I ask for your support on passage of this bill.

By Mr. BOOZMAN (for himself and Mr. BEGICH):

S. 957. A bill to amend title 38, United States Code to improve the provision of rehabilitative services for veterans with traumatic brain injury, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BOOZMAN. Mr. President, traumatic brain injury, TBI, is becoming an increasingly common injury on the modern battlefield. Thankfully, because of advances in medicine, servicemembers who would not have been expected to survive catastrophic attacks in previous conflicts are returning home today from combat in Iraq and Afghanistan with unprecedented severe and complex injuries. Since 2001, over 1,500 service members have suffered from a severe TBI, many of whom require rehabilitative programs ranging from total care for the most basic needs to semi-independent living support. A restrictive approach to rehabilitation puts these wounded warriors at risk of losing any progress they made towards recovery. For this reason, my colleague, Senator MARK BEGICH of Alaska, and I are introducing the Veterans' Traumatic Brain Injury Rehabilitative Services' Improvements Act of 2011. I would also like to thank my House colleagues, Rep. TIM WALZ of Minnesota and Rep. GUS BILIRAKIS of Florida, for their support and leadership on the House companion version of this legislation.

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

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

S. 957

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' Traumatic Brain Injury Rehabilitative Services' Improvements Act of 2011''.

SEC. 2. REHABILITATIVE SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY.

(a) REHABILITATION SERVICES IN PLANS FOR REHABILITATION AND REINTEGRATION.—Section 1710C of title 38, United States Code, is amended—

(1) in subsection (a)(1), by inserting before the semicolon the following: ''with the goal of maximizing the individual's independence and quality of life'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting after ''improving'' the following: ''(and sustaining improvement in)'';

(ii) by inserting ''behavioral,'' after ''cognitive'';

(iii) by inserting ''and mental health'' after ''functioning''; and

(iv) by inserting '', quality of life,'' after ''independence'';

(B) in paragraph (2), by inserting ''rehabilitative services and'' before ''rehabilitative components''; and

(C) in paragraph (3)—

(i) by striking ''treatments'' the first place it appears and inserting ''services''; and

(ii) by striking ''treatments and'' the second place it appears; and

(3) by adding at the end the following new subsection:

''(h) REHABILITATIVE SERVICES DEFINED.—For purposes of this section, and sections 1710D and 1710E of this title, the term 'rehabilitative services' includes—

''(1) rehabilitative services, as such term is defined in section 1701 of this title;

''(2) services (which may be of ongoing duration) to sustain, and prevent loss of, functional gains that have been achieved; and

''(3) any other services or supports that may contribute to maximizing an individual's independence and quality of life.''.

(b) REHABILITATION SERVICES IN COMPREHENSIVE PROGRAM FOR LONG-TERM REHABILITATION.—Section 1710D(a) of such title is amended—

(1) by inserting ''and rehabilitative services (as defined in section 1710C of this title)'' after ''long-term care''; and

(2) by striking ''treatment''.

(c) REHABILITATION SERVICES IN AUTHORITY FOR COOPERATIVE AGREEMENTS FOR USE OF NON-DEPARTMENT FACILITIES FOR REHABILITATION.—Section 1710E(a) of such title is amended by inserting '', including rehabilitative services (as defined in section 1710C of this title),'' after ''medical services''.

(d) TECHNICAL AMENDMENT.—Section 1710C(c)(2)(S) of such title is amended by striking ''opthamologist'' and inserting ''ophthalmologist''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 179—TO CONSTITUTE THE MINORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED TWELFTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 179

Resolved, That the following shall constitute the minority party's membership on the following committees for the One Hundred Twelfth Congress, or until their successors are chosen:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mrs. Hutchison, Ms. Snowe, Mr. DeMint, Mr. Thune, Mr. Wicker, Mr. Isakson, Mr. Blunt, Mr. Boozman, Mr. Toomey, Mr. Rubio, Ms. Ayotte, and Mr. Heller.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Ms. Murkowski, Mr. Barrasso, Mr. Risch, Mr. Lee, Mr. Paul, Mr. Coats, Mr. Portman, Mr. Hoeven, Mr. Heller, and Mr. Corker.

COMMITTEE ON FINANCE: Mr. Hatch, Mr. Grassley, Ms. Snowe, Mr. Kyl, Mr. Crapo, Mr. Roberts, Mr. Enzi, Mr. Cornyn, Mr. Coburn, Mr. Thune, and Mr. Burr.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Mr. Coburn, Mr. Brown (Massachusetts), Mr. McCain, Mr. Johnson (Wisconsin), Mr. Portman, Mr. Paul, and Mr. Moran.

COMMITTEE ON THE BUDGET: Mr. Sessions, Mr. Grassley, Mr. Enzi, Mr. Crapo, Mr. Cornyn, Mr. Graham, Mr. Thune, Mr. Portman, Mr. Toomey, Mr. Johnson (Wisconsin), and Ms. Ayotte.

SPECIAL COMMITTEE ON AGING: Mr. Corker, Ms. Collins, Mr. Hatch, Mr. Kirk, Mr. Heller, Mr. Moran, Mr. Johnson (Wisconsin), Mr. Shelby, Mr. Graham, and Mr. Chambliss.

SENATE RESOLUTION 180—EXPRESSING SUPPORT FOR PEACEFUL DEMONSTRATIONS AND UNIVERSAL FREEDOMS IN SYRIA AND CONDEMNING THE HUMAN RIGHTS VIOLATIONS BY THE ASSAD REGIME

Mr. LIEBERMAN (for himself, Mr. RUBIO, Mr. CARDIN, Mr. KIRK, Mr. CASEY, Mr. MCCAIN, Mr. COONS, Mr. GRAHAM, Mr. MENENDEZ, Mr. KYL, Mr. ISAKSON, Mr. CORNYN, Mr. BARRASSO, Mrs. GILLIBRAND, Ms. AYOTTE, Mr. DURBIN, and Mr. HOEVEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 180

Whereas, in March 2011, large-scale peaceful demonstrations began to take place in Syria;

Whereas the Government of Syria, led by President Bashar al-Assad, responded to protests by launching a violent crackdown, committing human rights abuses, and violating its international obligations, including the International Covenant on Civil and Political Rights (ICCPR) and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

Whereas demonstrations have now spread to more than a dozen towns and cities across all parts of Syria;

Whereas demonstrators initially demanded political reform, but under violent attack by the Government of Syria, have increasingly demanded a change in the Syrian regime;

Whereas Insan, a respected international nongovernmental organization, has documented more than 600 deaths since demonstrations began in Syria, and reported that ''arbitrary detained and enforceable disappearance in the country easily exceeds 8,000 people'';

Whereas the Government of Syria has deployed tanks and snipers against civilian population centers, including the cities of Daraa and Baniyas, and the Damascus suburbs of Douma, Harasta, Saqba, and Zabadani;

Whereas the Government of Syria has cut off civilian population centers from access to food, water, electricity, mobile and land lines, Internet, and medical services;

Whereas several respected international human rights organizations, including Human Rights Watch and the Damascus Center for Human Rights Studies, have documented a nationwide campaign of arbitrary arrests and enforced disappearances of activists, protesters, and their family members, by the Government of Syria;

Whereas the International Crisis Group, an independent international nongovernmental organization, reported on May 3, 2011, that there is ''ongoing, credible evidence'' in Syria of ''abundant instances of excessive and indiscriminate state violence. . . including arbitrary arrests, torture and firing into peaceful crowds'';

Whereas the International Crisis Group has also reported a ''determined and cynical attempt to exploit and exacerbate'' sectarian tensions by the Government of Syria;

Whereas, despite sectarian provocations by the Government of Syria, demonstrations have maintained a message of national unity and solidarity;

Whereas, on April 15, 2011, the United Nations Special Rapporteur on extrajudicial executions, Christof Heyns, stated that live ammunition has been used by the Syrian regime against demonstrators ''in clear violation of international law'';

Whereas international organizations, including Amnesty International and Human Rights Watch, have documented evidence that peaceful protestors detained by Government of Syria security forces are being subjected to torture, including with electroshock devices, cables, sticks, and whips, and are being held in overcrowded cells, deprived of sleep, food, and water for days at a time;

Whereas international non-governmental organizations, including the International Committee on the Red Cross and Human Rights Watch, have reported that Government of Syria security forces have prevented injured protesters from accessing hospitals and have denied medical personnel and humanitarian relief organizations access to those in need of medical attention;

Whereas the Government of Iran is providing material support to assist the Government of Syria in its efforts to suppress peaceful protestors, including the transfer of equipment to help security forces crack down on protests and curtail and monitor protesters' use of the Internet, cell phones, and text-messaging;

Whereas the White House Press Secretary has repeatedly condemned the Government of Syria's brutal crackdown, including on May 6, 2011, when he stated, ''The Syrian government continues to follow the lead of its Iranian ally in resorting to brute force and flagrant violations of human rights in suppressing peaceful protests.'';

Whereas the Department of State has repeatedly condemned the Government of Syria's brutal crackdown, including on May 6, 2011, when Secretary of State Hillary Clinton condemned ''in the strongest possible terms'' the Government of Syria's continued use of force and intimidation against peaceful protestors and pledged to ''hold to account senior Syrian officials and others responsible for the reprehensible human rights abuses'';

Whereas, on April 29, 2011, President Obama issued an Executive Order authorizing targeted sanctions against individuals and organizations responsible for the human rights abuses in Syria;

Whereas President Obama on April 29, 2011, designated 3 individuals pursuant to the Executive Order issued that same day: Mahir al-Assad, the brother of Syrian President Bashar al-Assad and brigade commander in the Syrian Army's 4th Armored Division; Atif Najib, the former head of the Political Security Directorate for Daraa Province and a cousin of Bashar al-Assad; and Ali Mamluk, director of Syria's General Intelligence Directorate;

Whereas, on May 6, 2011, envoys of the European Union's 27 nations agreed to impose sanctions on the Government of Syria for the human rights abuses it is perpetrating, including asset freezes and visa bans on 13 members of the Government of Syria and an arms embargo on the country;

Whereas, on April 29, 2011, the United Nations Human Rights Council passed Resolution S-16/1, which condemns the Syrian regime for its human rights abuses and establishes a mandate for an international inquiry led by the Office of the United Nations High Commissioner for Human Rights to investigate all alleged violations of international human rights law in Syria ''with a view to avoiding impunity and ensuring full accountability'';

Whereas the Government of Syria, prior to March 2011, had a well-documented track record of human rights abuses against its own citizens and violations of international agreements and international law;

Whereas, in February 1982, the Syrian army, under the orders of then-Syrian President Hafez al-Assad, killed at least 10,000 civilians in the city of Hama in an effort to quell an uprising there;

Whereas, according to the Department of State's most recent Human Rights Country Report, published on April 8, 2011, the Government of Syria commits unlawful killings against civilians; has severely and systematically restricted basic freedoms of speech, press, assembly, association, and religion; is responsible for ongoing politically motivated arrests, detentions, and disappearances; lacks an independent judiciary system; and maintains prisons where torture and physical abuse are widespread and where detainees lack access to food, proper clothing, and medical treatment;

Whereas the Department of State has designated Syria since 1979 as a ''state sponsor of terrorism'' and according to the Department of State's most recent ''Country Reports on Terrorism,'' published in August 2010, the Government of Syria provides ''political and material support to Hizballah in Lebanon and allowed Iran to resupply this organization with weapons'';

Whereas the Government of Syria's transfer of weapons to Hizballah in Lebanon is in violation of United Nations Security Council Resolution 1701 (2006), which established an arms embargo requiring all states to prevent the supply of arms and weapons to militias and terrorists in Lebanon;

Whereas the Government of Syria has violated the territorial integrity and sovereignty of Lebanon in contravention of United Nations Security Council resolutions, including Resolution 425 (1978), Resolution 520 (1982), and Resolution 1701 (2006);

Whereas Syria, as a party to the Treaty of the Non-Proliferation of Nuclear Weapons, is legally bound to declare all its nuclear activity to the International Atomic Energy Agency (IAEA) and to place such activity under the monitoring of the IAEA;

Whereas the IAEA issued a report on February 25, 2011, criticizing Syria's implementation of the NPT Safeguards Agreement, concluding that ''Syria has not cooperated with the Agency since June 2008'' in connection with the Agency's investigation of the Dair Alzour site and 3 other locations'' and warning that ''the Agency has not been able to make progress towards resolving the outstanding issues related to those sites'';

Whereas it has been widely reported that the Government of Syria was developing a covert nuclear program, in violation of its international obligations under the NPT, until that site was bombed by Israel in September 2007; and

Whereas, on December 12, 2003, Congress passed the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Public Law 108–175) in order to, among other purposes, hold the Government of Syria accountable for its actions and as expression of support consistent with these aims: Now, therefore, be it

Resolved, That the Senate—

(1) expresses solidarity and support for the people of Syria as they seek to exercise universal rights and pursue peaceful democratic change;

(2) strongly condemns and deplores the human rights abuses of the Government of Syria, including the use of arbitrary and lethal violence and deployment of military forces against peaceful demonstrators;

(3) strongly condemns and deplores the Government of Syria's extrajudicial killings, enforced disappearances, torture, and arbitrary and mass arrests against civilians in Syria;

(4) strongly condemns and deplores the deliberate cut-off of water, electricity, food, telecommunications, and other basic services to civilian population centers in Syria;

(5) strongly condemns the Government of Iran for assisting the Government of Syria in its campaign of violence and repression against the people of Syria;

(6) warns that international crimes are being committed by the Government of Syria against its people, for which the responsible officials must be held accountable;

(7) finds that the Government of Syria, led by Bashar al-Assad, through its campaign of violence and gross human rights abuses, has lost legitimacy and expresses support for the people of Syria to determine their future for themselves;

(8) commends President Obama for authorizing targeted sanctions on human rights abusers in Syria, including United States visa bans and asset freezes, and using that authority to designate 3 individuals;

(9) urges the President to act swiftly to expand the list of sanctioned persons to include all individuals responsible for gross human rights abuses in Syria, including Bashar al-Assad;

(10) urges the President to speak out directly, and personally, to the people of Syria about the situation in their country;

(11) urges the President to work, in conjunction with international partners, to ensure access of humanitarian relief organizations, medical workers, and international media to affected areas of Syria, and to impose consequences on the Government of Syria and its leaders if access by these organizations continues to be impeded;

(12) urges the President to work, in conjunction with international partners, to ensure access by the people of Syria to accurate news and information, as well as information and social networking technologies;

(13) urges the President to continue to work with the European Union, the Government of Turkey, the Arab League, the Gulf Cooperation Council, and other allies and partners to bring an end to human rights abuses in Syria, hold the perpetrators accountable, and support the aspirations of the people of Syria;

(14) encourages United States officials, including through the United States Embassy in Damascus, to engage with civil society in Syria, including human rights and democracy activists, political dissidents, and opposition leaders;

(15) urges the President to work with our allies and partners at the United Nations Security Council to condemn and hold accountable human rights abusers in Syria and to support the human rights of the people of Syria; and

(16) urges the United Nations Human Rights Council—

(A) to swiftly implement United Nations Human Rights Council Resolution S-16/1 and to ensure that the international investigation into violations by the Government of Syria of international human rights law called for in the resolution is undertaken immediately; and

(B) reinforce the crucial need for the United Nations General Assembly to reject Syria's candidacy for membership on the Human Rights Council and terminate the consideration of Syria's candidacy.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. 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 11, 2011, at 2 p.m. in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 11, 2011, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled ''The U.S.-Colombia Trade Promotion Agreement.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. 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 ''Diverting Non-urgent Emergency Room Use: Can It Provide Better Care and Lower Costs?'' on May 11, 2011, at 10 a.m., in 430 Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 11, 2011, at 10 a.m.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on May 11, 2011, at 2 p.m.

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

NEAR EASTERN AND SOUTH AND CENTRAL AFFAIRS SUBCOMMITTEE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 11, 2011, at 10 a.m., to hold a Near Eastern and South and Central Affairs subcommittee hearing entitled, ''Human Rights and Democratic Reform in Iran.''

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

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights be authorized to meet during the session of the Senate on May 11, 2011, at 10:15 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The AT&T/T-Mobile Merger: Is Humpty Dumpty Being Put Back Together Again?''

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on May 11, 2011, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on May 11, 2011, at 2 p.m.

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

SUBCOMMITTEE ON PERSONNEL

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on May 11, 2011, at 1:30 p.m.

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

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at 1 p.m., Thursday, May 12, 2011, the Senate proceed to executive session to consider Calendar No. 47 on the Executive Calendar; that there be 1 hour for 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. 47; 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 relating to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate resume legislative session.

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

COMMITTEE APPOINTMENTS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 179, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 179) to constitute the minority party's membership on certain committees for the One Hundred Twelfth Congress, or until their successors are chosen.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 179) was agreed to, as follows:

S. RES. 179

Resolved, That the following shall constitute the minority party's membership on the following committees for the One Hundred Twelfth Congress, or until their successors are chosen:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mrs. Hutchison, Ms. Snowe, Mr. DeMint, Mr. Thune, Mr. Wicker, Mr. Isakson, Mr. Blunt, Mr. Boozman, Mr. Toomey, Mr. Rubio, Ms. Ayotte, and Mr. Heller.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Ms. Murkowski, Mr. Barrasso, Mr. Risch, Mr. Lee, Mr. Paul, Mr. Coats, Mr. Portman, Mr. Hoeven, Mr. Heller and Mr. Corker.

COMMITTEE ON FINANCE: Mr. Hatch, Mr. Grassley, Ms. Snowe, Mr. Kyl, Mr. Crapo, Mr. Roberts, Mr. Enzi, Mr. Cornyn, Mr. Coburn, Mr. Thune and Mr. Burr.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Mr. Coburn, Mr. Brown (Massachusetts), Mr. McCain, Mr. Johnson (Wisconsin), Mr. Portman, Mr. Paul and Mr. Moran.

COMMITTEE ON THE BUDGET: Mr. Sessions, Mr. Grassley, Mr. Enzi, Mr. Crapo, Mr. Cornyn, Mr. Graham, Mr. Thune, Mr. Portman, Mr. Toomey, and Mr. Johnson (Wisconsin), and Ms. Ayotte.

SPECIAL COMMITTEE ON AGING: Mr. Corker, Ms. Collins, Mr. Hatch, Mr. Kirk, Mr. Heller, Mr. Moran, Mr. Johnson (Wisconsin), Mr. Shelby, Mr. Graham, and Mr. Chambliss.

MEASURE READ THE FIRST TIME—S. 953

Mr. REID. Mr. President, I understand that S. 953, introduced earlier today by Senator MCCONNELL, is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The assistant bill clerk read as follows:

A bill (S. 953) to authorize the conduct of certain lease sales in the Outer Continental Shelf, to amend the Outer Continental Shelf Lands Act to modify the requirements for exploration, and for other purposes.

Mr. REID. I now ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy: the Honorable JOHN HOEVEN of North Dakota (Committee on Appropriations) and the Honorable LINDSEY GRAHAM of South Carolina (At Large).

ORDERS FOR THURSDAY, MAY 12, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow, Thursday, May 12, at 9:30 a.m.; 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 1 p.m., with Senators permitted to speak for up to 10 minutes each, with the first hour divided and controlled between the leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes; and that following morning business, the Senate proceed to executive session under the previous order.

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

PROGRAM

Mr. REID. Mr. President, there will be a rollcall vote around 2 p.m. tomorrow on confirmation of Executive Calendar No. 47, the nomination of Michael Urbanski, to be U.S. District Judge for the Western District of Virginia.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

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 3:34 p.m., adjourned until Thursday, May 12, 2011, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

RICHARD G. ANDREWS, OF DELAWARE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF DELAWARE, VICE JOSEPH J. FARNAN, JR., RETIRED.

CATHY ANN BENCIVENGO, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE JEFFREY T. MILLER, RETIRED.

JEFFREY J. HELMICK, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO, VICE JAMES G. CARR, RETIRED.

DEPARTMENT OF STATE

WILLIAM J. BURNS, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE WITH THE PERSONAL RANK OF CAREER AMBASSADOR, TO BE DEPUTY SECRETARY OF STATE, VICE JAMES BRAIDY STEINBERG.

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE COMMISSIONED CORPS OF THE U.S. PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

To be senior assistant surgeon

MANISHA PATEL

To be nurse officer

LISA L. GILLIAM

To be senior assistant nurse officer

DEANA M. FOSTER
CHRISTOPHER P. HAYNES
FRANCISCO J. MARI-LASSALLE
SONYA L. MCNEIL
LINSEY M. MILLER
FILITA O. MOORE
KRISTINA D. SERBY

To be assistant nurse officer

SARAH K. BREWSTER
JEREMIE D. GREGORY
MATTHEW A. MADRID
SUDHIR S. PERAKATHU

To be junior assistant nurse officer

HAYDEE C. CRUZ
JACQUELINE S. GARDINER
CRYSTAL J. HOWARD
AMANDA J. RAMIREZ
JUSTIN D. TAFOYA

To be senior assistant engineer officer

STANLEY B. EUGENE

To be junior assistant engineer officer

CHRISTOPHER J. PELTIER

To be scientist officer

RAGHU N. SAMY

To be senior assistant scientist officer

IRAM R. HASSAN
TAMARA J. HENDERSON
DAVID T. HUANG
MICHELLE RODRIGUEZ

To be senior assistant environmental health officer

DANIEL D. ADAMS

To be junior assistant environmental health officer

ALEXA M. DEPTOLA
CYRAJ M. EL-BAKOUSH
KRISTA S. TUGGLE

To be pharmicist officer

ELENI Z. ANAGNOSTIADIS
MARIA D. ANTONUCCI
JUDY J. PARK
MELINDA M. WILSON

To be senior assistant pharmacist officer

JORI L. BAILEY
RAICHELL S. BROWN
ANDREW J. FINE
NIKI S. HANEY
MARK A. LIBERATORE
ISAIAH W. LITTON
HANNAH E. MCMILLAN
STEPHEN J. MOTTOLA
AYANA K. ROWLEY

To be assistant pharmacist officer

AMANDA R. BONNER
DAVID G. ENG
LEVI C. HALL
MICHELLE R. HATCHER
MEGAN C. HOSTETTER
MARCUS K. LOCKHART
GRANT A. MCELWEE
OGECHI C. OLUMBA
DAVID C. STECCO
DANIEL J. TRUE

To be senior assistant dietitian officer

THELMA M. LUCERO
ALYSIA M. SALONIA

To be assistant therapist officer

MICHAEL P. ANDERSON

To be health services officer

DENISE DURAN
STEPHANIE M. LOVELL

To be senior assistant health services officer

OLUYEMISI O. AKINNEYE
ALEXIA D. BUTLER
MARJORIE CEANT
SIMLEEN KAUR

To be assistant health services officer

NICOLE M. BELL

KHATEEJA T. BRAHIM
KATHLEEN A. SCHELBLE
NORMA A. SHARPE
CULLEN T. WILSON

To be junior assistant health services officer

ERIK D. SANDVIG
CHRISTOPHER M. SHEEHAN

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE COMMISSIONED CORPS OF THE U.S. PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

To be surgeon

ALICE Y. GUH
WILLIAM T. HANCOCK
ADOLPH J. HUTTER
NEENA JAIN
ROBERT G. MARIETTA
GEORGE E. MILES
SATISH K. PILLAI
GREGORY A. RACZNIAK
TIMOTHY S. STYLES
SAYEEDHA UDDIN
BRENDAN M. WEISS
KRISTIN YEOMAN

To be nurse

BRENDA M. HOLBROOK
HABIBA B. SEIDU-FUSEINI

To be engineer

THOMAS R. ARMITAGE
BRIAN G. BEARDEN
VICTOR J. CAMELLO

To be scientist

ERIC X. ZHOU

To be veterinarian

KERRY R. PRIDE

To be pharmacist

JENNIFER A. SHEPHERD

To be health services officer

JOHN D. STANSON
FRANKEENA L. WRIGHT

To be senior assistant surgeon

KRISTIE E. APPELGREN
SARA AULD
NAHID BHADELIA
MARGARET M. BREWINSKI
GENEVIEVE L. BUSER
GRACE CHEN
KEVIN R. CLARKE
RAYMUND B. DANTES
STEPHANIE DAVIS
VINCENT DEGENNARO
MARIE A. DEPERIO
KAINNE E. DOKUBO
DAVID L. FITTER
PAUL A. GASTANADUY
ADENA GREENBAUM
STEPHANIE E. GRIESE
MICHAEL GRONASTAJ
JAMES C. HOUSTON
CAMILLE E. INTROCASO
MATTHEW JOHNSON
MICHAEL H. KINZER
SONALI P. KULKARNI
ROBERT F. LUO
SARAH A. MEYER
CHRISTINA A. MIKOSZ
IAN A. MYLES
MARIA A. SAID
ISAAC SEE
RACHEL M. SMITH
AMITA TOPRANI
JOYANNA WENDT
KAREN K. WONG
JONATHAN M. WORTHAM

To be assistant senior dental officer

DERRICK R. CHAMPION
ROXANA MIRABAL
RODICA M. POPESCU

To be assistant senior nurse officer

CATHERINE L. BURGESS
LAKEETA A. CARR
LORI O. GONZALES
KRISTI B. HENAGHAN
JOHANNES M. HUTAURUK

To be assistant senior engineer officer

SAYWARD H. FEHRMAN

To be assistant senior scientist officer

ALEXANDER S. CAMACHO
TIANA A. GARRETT
YORAN G. GRANT
TERRENCE Q. LO
ERIN M. PARKER
HEATHER M. SCOBIE
MAROYA D. SPALDING
EBONI M. TAYLOR
JULIE K. YAEKEL-BLACK-ELK

To be assistant senior veterinary officer

RACHAEL H. JOSEPH

To be assistant senior pharmacist officer

DWAYNE K. DAVID
MEGHAN M. WILLIAMS
JIN K. YANG

To be assistant senior health services officer

SOLITA J. CUTHRELL
VICKIE R. ELLIS
THOMAS E. GERA
JUNE GERMAIN
TRACY L. GLASCOE
JANET L. HAYES
MEREDITH E. PYLE
MEGHAN E. REILLY

To be assistant dental officer

BRIAN C. DROUILLARD
ELEANOR B. FLEMING
HYEWON LEE

To be assistant nurse

SAMUEL N. CARDARELLA
ELIZABETH GEEST
TRISHA L. WRIGHT

To be assistant engineer

MAXWELL GOGGIN-KEHM

To be assistant scientist

RACHEL R. BAILEY
CARA N. HALLDIN
KEISHA A. HOUSTON
ALISON S. LAUFER

To be assistant environmental health officer

CHRISTOPHER J. FISH
ANDREW M. KUPPER

To be assistant veterinary officer

STEPHANIE J. YENDELL

To be assistant pharmacist

WILLIAM ALBANESE III
SALMAH ARSHAD
TRISTA L. ASKINS
RICHARD D. BLYTHE
JENNIFER L. BONGARTZ
LAURA E. BOTKINS
BROOKE J. BRELSFORD
MELISSA J. BREWSTER
CLEVELAND BROWN
MICHELLE L. BRYSON
RYAN J. BUCKNER
ROSEMARY J. CALL
CHRIS J. CAMPBELL
MICHELLE J. CHANDLER
WILLIAM C. CHARLES
CHEMA CHARLESMAGNE
RUBY CHASE
SAOMONY CHEAM
MELISSA M. CHIANG
NICHOLAS M. CHUNG
BENJAMIN J. CLOUD
LAURA J. COKER
JUSTIN K. CONSTANTINO
VALERIE L. COOPER
EMILY T. CORGAN
BRIAN D. COX
JOSHUA CROWE
JOHN C. DARNELL
EMILY E. DAVIES
MELANEE M. DAVIS
RUSSELL D. DEVOLDER
TESSA B. DEYLE
KIM T. DINH
BRENDAN J. DORAN
MATTHEW F. DUFF
KENDRA N. ELLIS
LAURA ENMAN
DAVID F. FOSS
LARISSA N. FOSTER
SACHOY C. FOWLER
JESSICA M. FOX
SHERRI E. FULTON
DEBORAH A. GALLO
ROVIGEL J. GELVIRO
KAREN D. GERDE
STEPHANIE E. GLESSING
JOSEPH W. GLOVACZ
MAUREEN E. GRIMM
MICKEY HA
JAMES M. HALEY
RANIA K. HAROUN
DANITA D. HENLEY
NAZAREE HINES-STARR
LINDSEY B. HONEA
BRANDON D. HOWARD
SAMUEL J. HUFF
TESSA M. HUFF
SARAH W. HUMES
AMANDA K. HUNT
CRYSTAL R. HUNTRODS
JONATHAN C. JOHNANSEN
MISTY D. JOHNSON
MARIE E. JOHNSTON
KOKUGONZA KAIJAGE
SARAH L. KANEY
SAMINA S. KHAN
MEGAN E. KULTGEN
OLGA P. KURDELCHUK
DAVID D. LEEDAHL
ANDREA L. LEONE
SHI (ISABELLE) LI
SHELLY X. LING
OMAR LOAZANO
JANICE M. LOUIE
SARA M. LOUT
CRYSTAL P. LUI
MELANIE A. MCCALL
CANDICE J. MERCADEL
MATT W. MILLER
KELLY L. MONOSKI
JESSICA L. MOORE
WHE C. MUFICH
CLAYTON F. MYERS
CHRISTA R. NANCE
EMILY M. NESLON
SAVANNA N. NEWLON
HOAIBAC B. NGUYEN
TAMMY T. NGUYEN
ERIN O'ROURKE
CHRISTY PENNINGTON
CODY R. PLAISTED
AIMEE M. POSIVAK
EMILY C. PRABHU
JULIANNE RAMIREZ
MICHELLE ROBERTS
JAYSON ROBERTSON
TIMOTHY M. ROCKEY
JAMES T. ROSE
LANDON C. SAMS
MARTINE M. SAV
JANET E. SHAW
JEREMIAH B. SMITH
KARSTEN T. SMITH
BRANDON S. SNEDEGER
KYLE T. SNYDER
ANGELA D. STEPHAN
LEE H. STRINGER
CHRISTOPHER P. STROUD
CHRISTI L. SWABY
BRIEN B. THOMPSON
ELIZABETH H. TRANG
JAYSON L. TRIPP
JOSHUA D. VALGARDSON
RICHARD S. WALULU
GWENDOLYN A. WANTUCH
TABATHA M. WELKER
EVAN M. WILLIAMS
GLADYS A. WILLIAMS
PORSHIA M. WILLIAMS
TASHA R. WOODALL
RYAN R. ZETTLE
CARLA ZORETTI
STACY N. ZULUETA
MATTHEW WALLIS

To be assistant therapist

LISA M. MAYS
LAUREN A. RICHARDS

To be assistant health services officer

MICHAEL A. BAKKER
KIMBERLEY A. GORDON
OLUWAMUREWA A. OGUNTIMEIN

To be junior assistant health services officer

AKHTAR IMRAM
KENIA P. ALTAMIRANO
MATTHEW BELTON
MICHAEL BROWN
EMILY CISNEY
DEVIN S. COOPER
FRANK DICKER
ASHLEY HENRY
CHRISTINE O. KANG
REBECCA M. KIBEL
HYUNTAE KIM
PHILLIP LAM
PAUL LE
PHILIP LOZIUK
TREVOR MATTOX
HEATHER L. MCCAFFREY
DANIELLE MCQUINN
ENUDIO MERCADO-GONZALEZ
NEH D. MOLYNEAUX
LINH T. NGUYEN
NIH NGUYEN
TIMOTHY N. ONSERIO
JOSHUA PAUL
JUSTIN R. PLOTT
RAVI RAJMOHAN
ELI RHOADS
JOSHUA T. ROMAIN
RYAN S. SUTHERLAND
BRANDY TORRES
UKEGBU J. UGOCHI

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral upper half

REAR ADM. (LH) VINCENT B. ATKINS
REAR ADM. (LH) ROBERT E. DAY, JR.
REAR ADM. (LH) JOHN H. KORN
REAR ADM. (LH) WILLIAM D. LEE
REAR ADM. (LH) STEPHEN E. MEHLING
REAR ADM. (LH) CHARLES D. MICHEL
REAR ADM. (LH) MICHAEL N. PARKS
REAR ADM. (LH) SANDRA E. STOSZ

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DAVID J. BUCK

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) CYNTHIA A. COVELL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ANNIE B. ANDREWS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ROBERT V. HOPPA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MARK R. WHITNEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CINDY L. JAYNES

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

THOMAS P. FANTES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

CYNTHIA E. WILKERSON

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

DAVID T. CARPENTER

To be lieutenant commander

TIMOTHY M. CHEN

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

ROBERT D. PAVEL

To be lieutenant commander

JULIE H. BALL
SHAUN C. SHILLADY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPTAIN RICHARD W. BUTLER
CAPTAIN MATTHEW J. CARTER
CAPTAIN LAWRENCE E. CREEVY
CAPTAIN MARK W. DARRAH
CAPTAIN CHRISTOPHER W. GRADY
CAPTAIN MICHAEL E. JABALEY, JR.
CAPTAIN COLIN J. KILRAIN
CAPTAIN DAVID M. KRIETE
CAPTAIN JOSEPH W. KUZMICK
CAPTAIN WILLIAM C. MCQUILKIN
CAPTAIN VICTORINO G. MERCADO
CAPTAIN DEWOLFE H. MILLER
CAPTAIN STUART B. MUNSCH
CAPTAIN KENNETH M. PERRY
CAPTAIN FERNANDEZ L. PONDS
CAPTAIN JOHN C. SCORBY, JR.
CAPTAIN DWIGHT D. SHEPHERD
CAPTAIN MICHAEL E. SMITH
CAPTAIN RICHARD P. SNYDER
CAPTAIN SCOTT A. STEARNEY
CAPTAIN HUGH D. WETHERALD

CONFIRMATION

Executive nomination confirmed by the Senate May 11, 2011:

THE JUDICIARY

ARENDA L. WRIGHT ALLEN, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA.