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Senate

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

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rev. Don Duncan, Senior Chaplain of Oklahoma Jail & Prison Ministries and Chaplain of the Oklahoma County Sheriff's Office.

The guest Chaplain offered the following prayer:

Let us pray.

Father, as we pause to seek Your divine guidance, I pray for Your presence, wisdom, and divine protection to be bestowed upon these Senators, their families, their staffs, and all those who have committed their lives in service to our country. I pray Your guidance through eternal principles in all discussions and final decisions. I pray for that which is honorable both in Your sight and in the heart of each citizen. When a conclusion is reached, may peace abide throughout this Chamber and throughout this land.

We pray this through the Name of Jesus. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 16, 2011.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will resume consideration of S. 782, which is the Economic Development Revitalization Act, with 4 hours of debate on the Feinstein and McCain amendments. At about 2 p.m., there will be two rollcall votes in relation to the Feinstein and McCain amendments. Each amendment will have a 60-vote threshold.

OIL SUBSIDIES

Mr. REID. Mr. President, I am happy to see the Republicans opening up to what Democrats have been saying all along—that cutting wasteful subsidies to Big Oil should be on the table if we are going to reduce the deficit. Yesterday, my friend, the senior Senator from Tennessee, said he would consider ending taxpayer subsidies for oil companies making record profits. I congratulate my friend, the senior Senator from Tennessee. Democrats agree. Handouts such as these to companies that made $36 billion in the first quarter of this year alone must be part of the discussion if we are going to get our fiscal house in order.

As we decide where to cut, we will need to make some tough choices, but not every choice has to be difficult. If we are serious about reducing spending, ending tens of billions in taxpayer giveaways to big oil companies shouldn't be one of the difficult decisions we have to make.

When the other side says the alternative is to end Medicare, slash Medicaid, and put millions of seniors at risk, the choice is that much clearer. We cannot take with one hand from those who can least afford it and give with the other hand to those who can. Before we end Medicare as we know it or eliminate Medicaid funding for nursing homes, as the Republicans have proposed, we should cut wasteful spending. During the course of a year, one in five Americans will be on Medicaid. The cuts the Republicans propose will affect real people—the elderly man in the nursing home, for example; the child missing her yearly checkup, as an example; the pregnant woman, as an example, whose baby depends on proper prenatal care; or the person with a disability, for example, who is able to live alone thanks to the helping hand Medicaid provides. These cuts will affect everyone else too. Cutting Medicaid simply shifts costs; it doesn't lower costs. Each patient who doesn't get the care he or she needs from a doctor today will get it tomorrow at three times the price in an emergency room, and we will all foot that bill.

The American people have spoken loudly and clearly. They do not want to balance the budget on the backs of seniors, children, or the disabled. I am glad to see at least one of my Republican colleagues courageously breaking from the pack.

Mr. President, would the Chair now announce whatever the business of the day is.

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

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RESERVATION OF LEADER TIME

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

ECONOMIC DEVELOPMENT REVITALIZATION ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 782, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 782) to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

Pending:

DeMint amendment No. 394, to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Paul amendment No. 414, to implement the President's request to increase the statutory limit on the public debt.

Cardin amendment No. 407, to require the FHA to equitably treat home buyers who have repaid in full their FHA-insured mortgages.

Merkley/Snowe amendment No. 428, to establish clear regulatory standards for mortgage servicers.

Kohl amendment No. 389, to amend the Sherman Act to make oil-producing and exporting cartels illegal.

Hutchison amendment No. 423, to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits.

Portman amendment No. 417, to provide for the inclusion of independent regulatory agencies in the application of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.).

Portman amendment No. 418, to amend the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) to strengthen the economic impact analyses for major rules, require agencies to analyze the effect of major rules on jobs, and require adoption of the least burdensome regulatory means.

McCain amendment No. 411, to prohibit the use of Federal funds to construct ethanol blender pumps or ethanol storage facilities.

McCain amendment No. 412, to repeal the wage rate requirements commonly known as the Davis-Bacon Act.

Merkley amendment No. 440, to require the Secretary of Energy to establish an Energy Efficiency Loan Program under which the Secretary shall make funds available to States to support financial assistance provided by qualified financing entities for making qualified energy efficiency or renewable efficiency improvements.

Coburn modified amendment No. 436, to repeal the volumetric ethanol excise tax credit.

Brown (MA)/Snowe amendment No. 405, to repeal the imposition of withholding on certain payments made to vendors by government entities.

Inhofe amendment No. 430, to reduce amounts authorized to be appropriated.

Inhofe amendment No. 438, to provide for the establishment of a committee to assess the effects of certain Federal regulatory mandates.

Merkley amendment No. 427, to make a technical correction to the HUBZone designation process.

McCain amendment No. 441 (to Coburn modified amendment No. 436), to prohibit the use of Federal funds to construct ethanol blender pumps or ethanol storage facilities.

Reid (for Feinstein/Coburn) amendment No. 476, to repeal the volumetric ethanol excise tax credit.

AMENDMENTS NOS. 476 AND 411

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 4 hours of debate equally divided and controlled between the two leaders or their designees on amendment No. 476, offered by the Senator from California, Mrs. FEINSTEIN, and amendment No. 411, offered by the Senator from Arizona, Mr. MCCAIN.

Mr. REID. Mr. President, noting there is no one on the floor, I suggest the absence of a quorum, and I ask unanimous consent that during the quorum the time be equally divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, I rise in support of the Ethanol Subsidy and Tariff Repeal Act, which Senator COBURN and I are offering as an amendment to pending legislation. The other cosponsors on this amendment are Senator WEBB and Senator COLLINS. This is identical to a bill that we have submitted. On that bill there are more cosponsors. They are COBURN, CARDIN, WEBB, CORKER, LIEBERMAN, COLLINS, SHAHEEN, BURR, RISCH, and TOOMEY.

I want to have the record straight that this amendment is in response to a bill which we have crafted. On Tuesday the Senate voted on the proposal but unfortunately we saw a process battle, which I spoke to on the floor, which I think overwhelmed, in some respects, the debate. That is not the case today. There are ongoing negotiations to see if it is possible to put together a solution which can bring all sides together on this amendment that we will be voting on at 2 o'clock. Thus far we do not have an agreement. However, at least one of our cosponsors of this has said to me—this is Senator WEBB—that he would very much appreciate a straight up-or-down vote on Coburn-Feinstein so we know exactly where the Senate stands. It is still possible, even after that cloture vote, if we can reach a successful conclusion to the negotiation that we could have another vote and change that.

Today, this is the first vote that the Senate has taken based on the merits of repealing the ethanol subsidy and tariff. In a nutshell, let me give the reasons. I know of no other product in the United States that has a triple crown of benefits: It is a mandate: oil companies must buy this ethanol; there is a subsidy: oil companies are paid for buying this substance; and this substance known as corn ethanol is protected by a protective tariff which prevents other nations, such as Brazil, from importing ethanol which actually has more beneficial environmental effects.

As a matter of fact, corn ethanol is the least environmentally proficient form of ethanol. Everything else is better than corn; cellulosic is better, algae is better, and sugar is better. The bottom line is we have a triple crown of subsidy, mandate, and protective tariff on the least effective, least environmentally sound ethanol there is.

More importantly, corn ethanol is now used to such an extent that it is having a major impact on food commodity prices and in particular on feed prices. This is particularly true in the poultry industry. I will get to that in a few minutes.

I do want to thank Senators KLOBUCHAR and THUNE for good-faith efforts to try to reach a compromise. As part of this compromise, at least from my point of view, a substantial amount of the revenue must be used to reduce the debt and deficit in addition to eliminating wasteful ethanol subsidies and tariffs. These negotiations have been ongoing since Tuesday. We have not yet reached an agreement. The vote at 2 o'clock will not end these talks. I am perfectly willing to continue to talk but I do think it is important that we have a clean up-or-down vote on the Coburn-Feinstein amendment.

The issue at hand is a simple issue. The subsidy given to these oil companies costs taxpayers billions of dollars every year and the tariff actually has the effect of making us more dependent on foreign oil. Let me explain. In 2005, the ethanol subsidy cost taxpayers $1.5 billion. This year that number is nearly $6 billion. In just 6 years it has gone from a cost of $1.5 billion to a cost of nearly $6 billion. There is a reason for it, and I will get to that in a moment, but since 2005, the total cost of this subsidy has been $22.6 billion.

Here is the increase every year: $1.5 billion in 2005; 2006, $2.6 billion; 2007, $3.3 billion; 2008, $4.4 billion; 2009, $5.2 billion; 2010, $5.7 billion; and the all-time high in these last 2 years of $5.7 billion.

However, it continues to rise. The proposal that has been made for an extension to 2015, by some, would cost another $31 billion.

Let me be clear. The subsidy is wasteful and duplicative. It does very little to promote the use of ethanol which oil companies already must use under current law. The renewable fuels standard dictates oil companies use 14 billion gallons of biofuels this year, 20.5 billion gallons by 2015, to 36 billion gallons by 2022.

These volumes, by law, increase every year. It more than doubles by 2022. It is that doubling in volume that will ultimately cost us; we are currently paying oil companies to follow this law.

Let me speak briefly about the tariff. The 54-cent-per-gallon tariff on ethanol imports makes our Nation more dependent on foreign oil. The tariff acts as a trade barrier, placing clean sugarcane ethanol imports from friendly nations at a competitive disadvantage to

oil imports from OPEC. This discourages imports of low-carbon ethanol from our allies and leads to more oil and gasoline imports from OPEC countries, which enter the United States tariff free. So you have a high tariff on ethanol imports but a very low tariff on oil. Sugarcane ethanol, one of the lowest carbon fuels that is widely available, suffers from this tariff.

This tariff makes no sense and it should be repealed. I believe that there is very strong consensus in this body on the tariff issue. The Ethanol Subsidy and Tariff Repeal Act repeals the 45-cent-per-gallon ethanol blending subsidy known as the volumetric ethanol excise tax credit on July 1. The 54-cent-per-gallon ethanol tariff is also repealed beginning on July 1. Two parts of the three-part triple crown of government support are covered in our bill.

The third part of the triple crown is that refineries are already required to use ethanol under the Renewable Fuel Standard. The subsidy pays them to use that mandated ethanol, and ethanol, again, is protected from competition by a very high import tariff.

I think we need to address this quickly because the effects are harmful and the costs are great. At highest risk are increased costs for feed, corn, and other food. Today, 39 percent of the U.S. corn crop is used to produce ethanol, according to the Congressional Research Service. Well over a third of the corn crop is used to produce ethanol. Corn futures reached a record $7.99 a bushel last week, this is an increase of 140 percent over 12 months.

In this graph you can see the rise, from $2 in 2005 to $3 in 2006, going up over 2007, 2008 to over $4, beginning to come down slightly in 2009, continues down in 2010, and then in 2010 to 2011, and 2011 to 2012, it has shot up to well over $6. This is devastating, to poultry farms all over the country. This is devastating to cattle and this is devastating to food commodity prices. These prices will continue to go up if we let these subsidies continue. The annual average price of corn has risen 225 percent since 2006. So from 2005 to today, there has been a 225-percent increase in corn prices. Does anybody think that is good for this Nation? Is it good for farmers who depend on corn feed? I don't think so.

Let me give you some examples. The annual feed cost for Foster Farms tripled over the past year, increasing costs by more than $200 million. That is greater than the firm's largest ever annual profit. Zacky Farms, which is a large farm, has lost $35 million over the last 3 years due to increased corn costs.

I want to read to you for a moment a summary of the impacts on Zacky Farms. Here is the background. Zacky Farms is a family-owned, vertically integrated producer of quality turkey products for consumers in the retail and food service markets. The company is 55 years old but has roots in supplying poultry products to consumers that reach back all the way to 1928, representing three generations of commitment to the business. Zacky currently employs over 1,000 and supplies approximately 2 percent of the turkey consumed in the United States.

During the past 3-plus years, the growing use of corn for ethanol has been nothing less than devastating on Zacky Farms. Why? The cost of turkey feed represent about 60 percent of the final price of turkey products that consumers buy in stores. Corn is roughly 50 percent of the turkey feed formulation, making corn one-third of the cost of a turkey. Soybean meal, usually the second largest ingredient in turkey feed, competes for the same acreage as corn, and consequently the pricing of soybean meal often moves in tandem with corn. The government is sitting on acres and paying farmers not to plant soybeans, thereby encouraging costs to rise. I didn't know that. We are paying farmers not to plant soybeans. Recent reports show that since 1990, there are essentially no new acres available. Ethanol use of corn is therefore driving up other turkey feed ingredient prices also.

The increasing use of corn in ethanol—now nearly 40 percent of the Nation's corn supply—has been a major factor in driving the price of corn from $2 a bushel, to $4 a bushel, to $6 a bushel, and currently $7.75 a bushel. That is what Zacky is currently paying. This dramatic increase has all occurred since the fourth quarter of 2006. The turkey industry has been unable to pass these cost increases along fast enough to maintain profitability.

We were in the caucus on Tuesday, and we heard one Senator talk about how a farm has actually collapsed because of these prices in his State, and a second Senator reiterated his deep concern about what is happening to the poultry interest in his State. So this is not just Foster Farms and Zacky Farms, which happen to be in California, it is all over.

They then go into the impact of corn for ethanol on employees, suppliers, customers, consumers, and family ownership, and they say they have suffered significant losses during the past 3 years, and it has been estimated to be as much as $35 million in losses from 2008, 2009, and 2010, and their banking relationships have been shattered after 60 years of banking. Bank of America told the company to find another bank.

In 2008, the company was forced to implement across-the-board salary freezes and other measures to help control these costs. Turkey prices have jumped dramatically and will continue to increase—in other words, the market is becoming such that turkey is going to become an endangered species, particularly in a down market. And they stopped promotions, such as the free Thanksgiving turkey with the purchase of a certain dollar amount. It goes on and on. This is a very serious issue.

Let me give you another one. Paul Cameron is a commercial cattle feeder from the Imperial Valley. He says:

> My company employs 32 hard-working men and women. Many of these employees are second and third generation to the livestock business. Our cattle rely primarily on Midwestern grown corn as their primary source for grain.

This is the conflict here:

> This year 41 percent of our Nation's corn crop will be used up by a heavily subsidized ethanol industry. In a year where nationally our grain inventories have already been reduced by adverse weather, corn has risen in price by 140 percent. Because of this, any chance of profitability in all protein industries has vanished.
>
> The cattle inventory in our own operation is being reduced and we have begun the process of laying off many of our employees. Coming from a county with 27.9 percent unemployment (April EDD), these good, hard-working people will be relegated to trying to find jobs where there are none. These are the very people that take great pride in the fact that they not only feed a Nation, but also feed the world.

This is what these subsidies are doing. This is actual testimony read verbatim.

I have a letters from the American Meat Institute, California Dairies, National Chicken Council, National Cattlemen's Beef Association, National Meat Association, National Pork Producers Council, and the National Turkey Federation essentially saying the same thing:

> Corn-based ethanol has distorted the corn market, and stretched corn supplies to the point production costs have increased significantly. Additionally, the current import tariff on foreign sources of ethanol harms United States consumers by retarding the development of a robust and sustainable biofuels market.

That is a direct quote.

Mr. President, I ask unanimous consent to have printed in the RECORD this testimony following my remarks.

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

(See exhibit 1.)

Mrs. FEINSTEIN. Then there is a very long list in a letter to Senators REID and MCCONNELL from a couple dozen agencies, both agricultural and environmental, and I ask unanimous consent to have printed in the RECORD that letter as well.

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

(See exhibit 2.)

Mrs. FEINSTEIN. Thank you. Also, from the Western United Dairymen Association and from the National Cattlemen's Beef Association as well.

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

(See exhibit 3.)

Mrs. FEINSTEIN. I do this not because I want to run through it all but because I think it is evidentiary testimony to what is happening as a result of what is very bad and egregious public policy. At a time of debt and deficit,

where we are looking to find a compromise solution, which is going to be very difficult. If we reach one, it will have a dramatic impact on this Nation. To continue a program which has the potential to cost tens of billions of dollars makes no sense to me at all.

This summer, experts are predicting a mass slaughter of hogs. The USDA predicts that U.S. corn reserves will sink to their lowest level since the mid-1990s this summer, and rising food prices are contributing to global poverty and instability. So we are faced with a vote today that is very simple. The vote says: End this trifecta of subsidy, mandate, and protective tariff. It says: Do not wait for it to expire at the end of the year, but do it as of July 1. If we do it as of July 1, we will produce approximately $2.7 billion to the Treasury to ameliorate debt and deficit. I think this is an easy $2.7 billion to save.

Now, someone might say: Well, what are you doing to all of the producers of ethanol? Shouldn't we protect them? Well, this has been going on for a very long time—since 2005. To have an industry develop that then becomes dependent on this trifecta of subsidy, mandate, and protective tariff is only going to increase costs in the future. I understand beginning an industry with some help, giving them a leg up, giving them a toehold. That toehold becomes a foothold, and then they go on their own. The ethanol industry instead wants a continuation of the subsidy that effectively goes to the oil companies—the most profitable industry in the United States—continue the subsidy, continue the mandate, and continue to protect ethanol.

You can be sure that if we don't do this now and we wait for it to end at the end of 2012, there will be a fight to continue it. We are all talking about saying no. We are all talking about that the time has come when we have to do business differently. We have a lot of major problems out there. We have a lot of people who need help. Would I rather help those people or would I rather help Big Oil do essentially what they are mandated to do anyway? The choice is easy. The choice is clear. Would I want to continue a high, protective tariff on the least environmentally friendly commodity, corn ethanol? It is not even algae. It is not cellulosic. It is not sugar cane. It is the least environmentally friendly feedstock used to produce ethanol.

I have opposed this from the beginning because I am not that prescient, I just knew that once we started this it wasn't going to end. Once we started it, it was going to be more, more, more. That is the beat. If we can sell it in the next few hours with the proposal that meets the strictures of both sides of this great institution—we are trying to do that, but there are people who strongly believe it should be ended quickly, and that is what this cloture vote this afternoon will show. It would be the first consequential vote of the Senate to say that major subsidies to oil companies, to do what they are mandated to do, have come to an end. Protective tariffs of the least environmentally friendly source of ethanol will come to an end, and they will come to an end in a timely way. This is what the government should be doing.

I would like to yield the floor at this time. I know this has been tough. The big surprise to me has been how emotional our caucus on the Democratic side has been, and I understand the other side's caucus, the Republican side, was emotional as well. This appears to be much more major than the legislation itself might signal. I am very hopeful we will have 60 votes. That would send a very loud message from the Senate.

Thank you very much.

I yield the floor.

EXHIBIT 1

Hon. TOM COBURN,
U.S. Senate,
Washington, DC.
Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATORS COBURN AND FEINSTEIN, The undersigned livestock and poultry groups appreciate your leadership with the introduction of ''The Ethanol Subsidy and Tariff Repeal Act,'' which would end 30 years of tax credits for conventional ethanol and end the tariff on imported ethanol on July 1st.

At a time when animal agriculture is facing pressures on many fronts, this legislation would ease the economic strain that is heavily affecting the industries that rely so heavily on corn to feed livestock and poultry. Corn-based ethanol has distorted the corn market, and stretched corn supplies to the point production costs have been increased significantly. Additionally, the current import tariff on foreign sources of ethanol harms U.S. consumers by retarding the development of a robust and sustainable biofuels market.

If enacted, your legislation would save taxpayers nearly $3.3 billion in 2011. Experts such as the Congressional Budget Office and the Government Accountability Office have already concluded that the subsidy is unnecessary and leading economists agree that ending it would have little impact on ethanol production, prices, or jobs.

This legislation will help American consumers by ending the costly and unnecessary protection and subsidization of converting corn into fuel. We applaud you for your leadership on the issue and strongly encourage Congress to pass this legislation promptly.

Sincerely,

AMERICAN MEAT INSTITUTE.
CALIFORNIA DAIRIES, INC.
NATIONAL CHICKEN COUNCIL.
NATIONAL CATTLEMEN'S BEEF ASSOCIATION.
NATIONAL MEAT ASSOCIATION.
NATIONAL PORK PRODUCERS COUNCIL.
NATIONAL TURKEY FEDERATION.

My name Paul Cameron and I am a commercial cattle feeder from the Imperial Valley. My company employs 32 hard working men and women. Many of these employees are second and third generation to the livestock business. Our cattle rely primarily on Midwestern grown corn as their primary source for grain. This year 41% of our nation's corn crop will be used up by a heavily subsidized ethanol industry. In a year where nationally our grain inventories have already been reduced by adverse weather conditions, corn has risen in price by 140%. Because of this, any chance of profitability in all protein industries has vanished.

The cattle inventory in our own operation is being reduced and we have already begun the process of laying off many of our employees. Coming from a county with 27.9% unemployment (April-EDD), these good, hard-working people will be relegated to trying to find jobs where there are none. These are the very people that take pride in the fact that they not only feed a nation, but also feed the world.

Energy independence for our nation is vital, but the production of abundant, safe, and healthy proteins for the world's population is every bit as important. As cattle producers nationwide, who have never asked for a subsidy of any kind, we only ask that ethanol production stand on its own and allow true supply and demand dictate the real price of corn.

EXHIBIT 2

JUNE 13, 2011.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.

DEAR CONGRESSIONAL LEADERS: The undersigned diverse group of business associations, hunger and development organizations, agricultural groups, environmental groups, budget hawks, grassroots groups and free marketers urge you to support the Coburn-Feinstein amendment, No. 436, to the Economic Development Revitalization Act (S. 782), which would end 30 years of tax credits for conventional ethanol and end the tariff on imported ethanol on July 1st.

Conventional ethanol is due to receive some $6 billion in refundable tax credits this year. Continuing to subsidize oil companies to blend ethanol—which they are already required to do by the Renewable Fuels Standard—is wasteful and unnecessary. This amendment will save U.S. taxpayers several billion dollars this year and have virtually no impact on ethanol production, jobs or prices.

Sincerely,

Action Aid USA, American Bakers Association, American Frozen Food Institute, American Meat Institute, Americans for Limited Government, Americans for Prosperity, California Dairies, Inc, Clean Air Task Force, Competitive Enterprise Institute, Defenders of Wildlife, Environmental Working Group, Friends of the Earth, Freedom Action, Greenpeace USA, Grocery Manufacturers Association, International Dairy Foods Association, Milk Producers Council.

National Black Chamber of Commerce, League of Conservation Voters, National Chicken Council, National Council of Chain Restaurants, National Meat Association, National Restaurant Association, National Turkey Federation, National Wildlife Federation, Natural Resources Defense Council, Oxfam America, Sierra Club, Snack Food Association, Southern Alliance for Clean Energy, Taxpayers for Common Sense, U.S. PIRG, Union of Concerned Scientists, World Wildlife Federation.

EXHIBIT 3

WESTERN UNITED DAIRYMEN,
Modesto, CA, December 10, 2010.

Hon. DIANNE FEINSTEIN
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: The plan to extend the ethanol blenders tax credit and tariff in the tax package will add significantly to the economic distress this country's dairy farm families have experienced for the past two years. In addition, if this plan goes forward, these incentives will have been extended without debate while the country's deficit and debt situation grows more alarming nearly every day and responsible people disagree over the environmental benefits of corn ethanol.

Producers are still reeling from low prices resulting from the loss of export markets caused by the worldwide financial crisis in late 2008. Throughout that time, dairy farmers' production costs have remained very high. The erosion in equity experienced by dairy farmers in this country over the past 24 months is of staggering proportions.

Estimates are that the U.S. will use upwards of one-third of the nation's corn crop to make ethanol this year, and that was before the EPA recently increased the amount that can be blended by 50%. The USDA now estimates this year's average farm price for corn between $4.80 and $5.60/bushel. That is up nearly 25% from the estimate just two months ago and compares to the previous record of $4.20/bushel in 2007/08.

The blenders tax credit is also unnecessary. Mandates requiring the use of renewable fuels will ensure significant demand for corn ethanol for the foreseeable future.

Please oppose inclusion of corn ethanol incentives in the tax package. An issue that is this costly, in so many ways, deserves significant debate prior to a vote.

Very truly yours,
MICHAEL L.H. MARSH, CPA,
Chief Executive Officer.

[From the National Cattlemen's Beef Association]

NCBA SUPPORTS LEGISLATION TO END ETHANOL SUBSIDY, IMPORT TARIFF

WASHINGTON (May 3, 2011).—National Cattlemen's Beef Association (NCBA) President Bill Donald said the Ethanol Subsidy and Tariff Repeal Act, which was introduced today by U.S. Senators Tom Coburn (R-Okla.) and Dianne Feinstein (D-Calif.), would end 30 years and more than $30 billion of taxpayer support for the corn-based ethanol industry and would finally level the playing field for all commodities relying on corn as a major input. The legislation would repeal both the Volumetric Ethanol Excise Tax Credit (VEETC) and the tariff on imported ethanol by no later than June 30, 2011.

''NCBA supports the development of renewable and alternative fuels and we know ethanol plays a role in reducing our dependence on foreign oil. However, we don't support forcing taxpayers to prop up an industry that should be able to stand on its own two feet,'' said Donald who is also a cattleman from Melville, Mont. ''Senators Coburn and Feinstein should be commended for their leadership on this issue and for introducing this commonsense legislation that will not only level the playing field for a bushel of corn but will also save taxpayers more than $6 billion annually.''

Donald said the VEETC and the ethanol import tariff put other end-users of corn, including cattlemen and women, at a severe competitive disadvantage. From December 2007 to February 2010, the cattle feeding sector of the beef industry lost a record $7 billion in equity due to high feed costs and economic factors that have negatively affected beef demand. Between 2005 and 2008, corn prices quadrupled, reaching a record high of $8 a bushel and are more than $7 a bushel today. Donald said this volatility in the marketplace was a result of ethanol mandates and subsidies artificially pushing feed costs higher.

''It's no secret that supplies are tight. In fact, the U.S. Department of Agriculture has predicted ethanol will account for 40 percent of this year's corn crop. All we are asking is to compete head-to-head for a bushel of corn. That's what this legislation will accomplish,'' Donald said. ''The federal government shouldn't be in the business of picking winners and losers. We urge all senators to take a stand on the side of good government and support this legislation.''

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. COATS. Mr. President, I wish to say to the Senator from California, many of the points she made are valid. I came back for the purpose of addressing our overspending and that involves all kinds of tax expenditures and all kinds of subsidies. It is necessary because of our current debt and deficit situation. We have to get control of this. It is the only reason I ran. It is the only reason I am back in the Senate, with a commitment from the people of Indiana who supported me that, yes, this is what needs to be done in Washington. So I am not here to criticize the efforts of Senator COBURN or Senator FEINSTEIN and others to begin to address these subsidies. That is exactly what we need to do.

I think the phrase of the Senator from California: ''This is what we are doing in a timely way,'' goes to the heart and the essence of where I believe we need to go. We have subsidized, for some valid reasons early on, the production of ethanol. We did that because we said we are not independent in terms of our energy production, and our dependence on oil—particularly Middle Eastern oil. Our dependence is not only costly to us from the standpoint of OPEC setting the price of oil worldwide, based on their output, but also from the standpoint that we have spent a lot of money in blood and treasure to continue this dependence on oil, by placing troops in the Middle East. Would anybody think we would pay nearly as much attention to the Middle East as we are now were it not for the fact the oil supply that comes from there is absolutely necessary for our economy and the world economy? I think everyone in this Chamber would say we want less dependence on foreign sources and more independence. So the production of homegrown energy out of corn or other products grown in the soil which can be converted to a form of energy, so we-use less foreign oil and more of our own resources to drive our trucks and cars and fuel our planes, is a valid goal.

To get that started—I wasn't here—but Congress passed a set of subsidies in order to encourage that industry. On the basis of that, States, private entities, public-private partnerships committed to move forward with production of ethanol. We are at a point now where there is essentially agreement that this subsidy has to be phased out, taken away, and the producers of ethanol agree. Maybe it is a political reality or for whatever reason.

As I spoke to ethanol producers across my State, I basically said we cannot continue this subsidy in our current situation of debt. It has always been designed to become economically feasible, and it would be related to the price of oil. Well, the price of oil has gone up. This gives ethanol producers a more level playing field.

The problem many of us from the Midwest have—but I will only speak for myself—many of us from corn-growing and ethanol-producing States—and Indiana, by the way, is one of the leading States in the Nation, producing a significant percentage of ethanol—is that this amendment basically says it is over now. A bipartisan group has come together around a transition proposal Senator THUNE has put forward. I am all for a straight up-or-down vote on the best way to eliminate this subsidy and to phase it out completely. I can't imagine anybody here would think, as we address Tax Code expenditures, that there wouldn't be a transition process in place for eliminating that expenditure for an industry or for an individual in the United States.

I joined Senator WYDEN, a Democrat, in a bipartisan effort for comprehensive tax reform. Our proposal basically eliminates most of the special provisions in the tax code, totaling almost $1 trillion. We take away these specialized tax provisions in a way to reduce rates and make our companies more competitive, lower individual rates and simplify the Tax Code. But, we know that in doing so, there has to be a transition period. We cannot just yank away from the private sector or the public-private sector an economic basis on which they went forward and committed to that particular entity and product. So all we are asking for is a transition process.

I know there is talk about giving Members a vote next week on this proposal and so forth. I don't blame Senator COBURN and Senator FEINSTEIN one bit for using a procedural rule—actually, Senator FEINSTEIN did not do that and did not support that and I think deserves a second vote. I don't fault Senator COBURN for using procedural methods which were maybe not necessarily something of precedent, but it is possible under our procedures to do what was done in order to get his vote on the floor. He has been asking for that vote for weeks, if not months. It is an issue we ought to be debating. But there ought to be a debate—an honest debate—between essentially the two sides of this issue, both of which agree the subsidy ought to be removed; one of which says we remove it today on this vote, the other says we remove it over a period of time—3 years or so. We take the money immediately saved and donate it to reducing the deficit,

but we take some of the money in order to transition away from the subsidy, which is what Senator THUNE is trying to do without getting into all the details, which I don't need to do.

What I am here to do is to plead for an opportunity to debate both sides of this; to have a vote on the Coburn amendment and a vote on the Thune legislation, winner take all—that is the way it works here—and let the chips fall where they may. But at least we will have had an honest debate about two alternatives to try to reach the same goal. One takes a longer period of time than the other. The Senate will vote and the yeas will be yeas and the nays will be nays and the yeas will prevail and we will move forward on that basis. All we have now is a promise that maybe we will give the Senate an opportunity to bring something up next week so we can vote on the phase-out program.

Some Members will say: Hey, this is great. I can vote for both, and then I can go home and say, yes, we need to eliminate the subsidy and that is why I voted for Senator COBURN's amendment. Then I can also say the following week I voted for Senator THUNE. One of these should work. We have it both ways.

We should make a distinction between which way we want to go and what we want to do. I happen to choose, for I think valid reasons, that we ought to transition out of this because of the enormous financial commitment made on the part of ethanol producers in my State, and the enormous benefit that has come to our agriculture sector which has grown a lot of corn and paid a lot of taxes, helping our economy grow. But to just yank it away from them right away because we say this has to be done right now without any transition, I don't think it is fair to all those who have made that commitment.

Does ethanol need to be economically viable to compete with other forms of energy? Yes. Did it need—and I wasn't here, again, but this body of Congress, including the administration, said it needed a head start so we could reduce our dependence on foreign oil, and they gave them that in the form of these subsidies and in the form of a tariff and in the form of some credits. Financially, have we come to the point where we now need to look at this, as well as hundreds of other subsidies and tax expenditures that we simply can no longer afford? The answer is, yes, we have come to that point. But is the best way to do this, particularly in this instance, where there is more than just an interest for one or two companies, which we find in so much of the Tax Code. There is a national security interest in this as well. Our military says our continued dependence on foreign sources of oil is a national security issue affecting our troops, affecting our expenditures, affecting our deployments, where these people need to go to keep the ceilings open, to keep the oil flowing, and so forth?

So there is a national basis on which we need to have competing forms of energy that can lessen our dependence, and ethanol is one of those. Does it need to be economically viable? Absolutely. How do we get there? We can get there by pulling the rug out from them now, shutting it down, and seeing a precipitous drop in ethanol production because it is no longer economically viable or, as Senator THUNE has tried to do and a coalition of us who support that, we can put in place a sensible way to reduce this subsidy to zero, to bring ethanol to a point of economic viability on its own and immediately send a significant amount—$1 billion—to reduce the deficit. So this could be a transition to allow ethanol to be an economically viable part of our ability to provide transportation energy without having to call up the Middle East and say: Keep sending it and, by the way, we will send our troops, we will send our money, we will send our treasure because we absolutely have to have this to drive our economy.

I think there is compelling reason to allow the Thune amendment to be heard on the floor, to give Members an opportunity to debate and make their case on each side, take a vote, and we will let the chips fall where they may. But we will at least have had the courage to stand up and honestly say: This is where I come down, this is what I stand for, and then the voters can decide whether they like that. But I think it makes sense from an economic standpoint and from an energy independence standpoint. Also, it is common sense that anybody who has been encouraged by this body to invest in this product to reduce our dependence on oil, to at least give them a chance to phase this thing down so they don't necessarily put a padlock on the refining plants and basically put them out of business. That doesn't achieve the goal—the very reason this body put these enhancements and subsidies in place in the first place.

Conclusion: We need to phase out the subsidy. There are other subsidies and other expenditures out there we can eliminate now without having this kind of adverse economic effect and without having a negative effect on our national security, but this is not one of them.

I urge my colleagues and I urge the leadership to allow the pleas of Senator THUNE and others of us to be heard so we have an honest debate, an honest choice, and then we accept the results.

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

The PRESIDING OFFICER (Mr. BROWN of Ohio). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, I ask that I could briefly respond to the Senator's comments. Senator COATS and I work together on Intelligence. I have great respect for him. I understand the regional issues involved, so I understand the Senator's thinking. My thinking is, we get a strong vote on this today. This is simply a cloture vote. We have 60 votes. We have some time to see if we can work something out.

One thing I have learned in this whole line of pursuit is, if you give your word, keep it. The only thing you have is your integrity, and I give you my word that we will continue to try to bring both sides together.

I know this is a long journey. I know we will be blue-slipped and we have to come back and we will have to have a bill we can put a tax matter on. That is for a later day. I think we are into this, and so many people want kind of a clean vote, that if we have that, I am prepared to give you my word to continue to try to discuss this.

My own view on these things is to do the very best we can, try to reach a compromise when issues are like this, and march on to the next thing. This has become far harder than I anticipated. I think we are relatively close to a solution, to a compromise. Whether Senator COBURN will accept it, I do not know. But I know these discussions are going on, and all I can do is pledge you my best effort to try to get to something that satisfies everybody.

If you come from a large ethanol-producing State, I understand what this means. On the other hand, I also understand this is going to be the first of many coming down the line. We have to change the way we do business if we are going to carry out the mandate of a prudent government, we have to make a lot of changes. None of it is going to be easy, so we might as well get used to it now. But for whatever it is worth, you have my word I will continue to try.

Mr. COATS. Well, Mr. President, if the Senator would yield.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. I accept that fully. Having had the opportunity to work with Senator FEINSTEIN on the Intelligence Committee, I do not hesitate for a second to accept her word and know she will keep it. It has been a pleasure to work with her on that committee. We spend many hours behind closed doors discussing issues of great importance to this country, and she has provided great leadership in that effort.

I will look forward to working with the Senator from California, accept fully her offer. Hopefully, we can find a good solution to this issue. I could not agree with Senator FEINSTEIN more that this is the first of many things, tough decisions we are going to have to make. If we are not flexible in making these decisions at this time of clear fiscal distress, we are going to be judged very harshly by the markets and by

our constituents. They know we are spending too much. They know we need to make decisions, some of which will be painful. We are trying to do this in a way that does not become Draconian, and I appreciate the words of the Senator from California in terms of the willingness to sit down together and work this through.

As the Senator said, this will be the first of many difficult days ahead. But what is encouraging and ought to be encouraging to the American people is, there is a bipartisan commitment—first of all, a bipartisan understanding of the plight we are in—I wish we were not here, but we are—and a bipartisan understanding, a growing bipartisan understanding, that working together is the only solution to this. Because if it becomes stalemate, we are doing a great disservice to the future prosperity of the country and its impact on future generations, including our current generation and the many people who are out of work who need an economic recovery to take place sooner rather than later.

I thank the Senator for her comments and look forward to working with her, along with others, in this, the first of probably many difficult but important and necessary discussions.

Mrs. FEINSTEIN. I thank the Senator.

Mr. COATS. Mr. President, I yield the floor and 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. CARDIN. 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. CARDIN. Mr. President, I rise in support of the Feinstein amendment that would eliminate at long last the subsidies for ethanol, corn-based ethanol in America. In a little while, we are going to have a chance to vote, and I would ask my colleagues to support the Feinstein amendment.

I thank the leader for making time on the calendar so we can vote on this issue, and I hope a majority will support this amendment. I know we have a 60-vote threshold, and I hope we would be able to express, at long last, that it is time to eliminate this subsidy.

This is an issue that has brought together an unusual and broad-based support among those who are seeking to eliminate this subsidy. We have taxpayer advocates who understand this is a subsidy that taxpayers should not be underwriting. We have hunger and development organizations which recognize the impact on ethanol on the corn crop is affecting the affordability of food not only here, but it is having a major impact around our entire country.

We have agricultural groups, including the Maryland poultry growers and integrators, who support the repeal of the subsidy for ethanol. That is because the poultry industry understands the impact the ethanol subsidies are having on the poultry industry. I will talk a little bit more about that.

We have free market groups that say: Look, let the market work. There is no need for us to interfere with the free market. We have religious organizations. We have environmental groups—and I will talk a little bit more about that—that although the ethanol subsidy was originally put on, we thought, for a positive environmental impact, it is having the reverse impact. Because of the amount of energy that is necessary to produce ethanol, all the good we thought was being done has been lost.

Then we have those who are budget hawks who are saying: Look, we are being asked to do a lot to bring the budget into balance. There are a lot of hard decisions. Why don't we at least eliminate these unnecessary subsidies in an attempt to bring our budget more into balance?

The wide range of interest groups supporting this issue has fostered wide bipartisan support for repealing this credit for ethanol. So we have an opportunity to bring together a lot of different groups, to work across party lines, to start the process, to bring our agricultural programs into better balance, to have a better energy policy, to help create jobs, and also to deal with our budget deficit.

According to the GAO, this credit ''is a wasteful and duplicative'' federally funded support program for an industry that already enjoys a mandated market share under the renewable fuels standard.

Since 2006, the renewable fuels standard has required oil companies to blend increasing amounts of ethanol into our gasoline. So when we repeal this credit, when we repeal the break the ethanol industry receives, it will not impact on the market from the point of view of the amount of ethanol that will be available.

Especially during times of fiscal constraint, it simply does not make sense to continue giving billions of dollars to a robust and thriving industry from which American consumers see little benefit.

We have a huge budget deficit. The Presiding Officer understands that. I understand that. The people of Ohio, the people of Maryland understand that. We need to look at ways we can bring the budget deficit down. Repealing unnecessary subsidies should clearly be at the top of our list.

With more than 40 percent of America's corn crop going into fuel, the increased demand has made feed extraordinarily expensive.

Let me share with you what I have heard from my poultry farmers on the Eastern Shore of Maryland. The poultry industry is an important part of the economic fiber of the Eastern Shore of Maryland. The poultry industry translates into jobs for people who live on the Eastern Shore of Maryland. It is extremely important. Yet the single largest cost factor for the poultry industry is the corn feed that goes into producing the poultry—feeding the chickens.

With such a high cost factor, the arbitrary demand factor for corn as a result of ethanol has raised the cost of producing poultry in my State, costing us jobs. The elimination of this subsidy will help us maintain and expand jobs in the State of Maryland and around the region.

While corn-based ethanol may be a homegrown fuel, it is an extremely energy and water resource-intensive process to produce. So where we thought we were producing an energy source that would be favorable to our Nation, it takes so much energy to produce the ethanol that at the end of the day, we have used imported energy to produce our own homegrown energy source, and we do not benefit from the point of view of having energy independence in America.

The energy savings are minimal when you take into consideration how much energy it takes to produce ethanol, not to mention that ethanol burns less efficiently in our engines than regular fuel, and the higher the concentration, the fewer the miles per gallon the driver gets. The result is, we use more energy, when we were trying to save energy. It does not make sense over the long term.

A tax break for ethanol is a gift to the oil companies and the grain producers—a gift that actually harms American consumers and our environment.

Corn is a staple food commodity that is found in millions of American products from food additives to livestock feed. More than one-third of our Nation's corn is now going into the production of ethanol.

So this is causing a problem in our food stock—the amount of corn that goes into ethanol in America. It is time we eliminate this arbitrary subsidy that is causing a disruption, making it more difficult for people to afford their basic products.

The increased demand for corn is raising the price of everything from eggs to milk to soft drinks to chicken to breakfast cereals, and it is the American consumer who is being hit the hardest with these higher food prices.

Using corn to make ethanol also harms our environment. Once corn is harvested, it is a costly and energy-intensive process to turn it into ethanol fuel fit for commercial sale. We need to develop sustainable, renewable biofuels—those that are not derived from a food-based commodity such as corn—to make our Nation less dependent on foreign energy sources.

I support developing the next generation of algae or cellulosic biofuels. I do not support providing billions of dollars for a fuel product that is driving up the cost of food, harming our environment, and doing little to reduce our

consumption of foreign oil. It is time we stop subsidizing Big Oil to produce a fuel they will produce with or without an additional $6 billion a year of subsidy.

I hope my colleagues also support the Feinstein amendment that would eliminate this subsidy so we can eliminate this unnecessary subsidy, help make food more affordable for the people of our Nation, and help us develop an energy policy that does make sense for America, that will help our security and help our economy.

For all of those reasons, I will support the Feinstein amendment. I urge my colleagues to do so.

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. CORKER. 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. CORKER. Mr. President, I rise to speak today on behalf of a Coburn-Feinstein amendment that we will be voting on later. It is rare that people in this country who are receiving a tax credit tell us, as servants of the United States, that they do not want the tax credit they are receiving.

I think most people in this room are aware that we are spending about $6 billion a year on something called a blenders tax credit. My understanding is that the blenders who receive this tax credit have shared with us that this is a waste of money, and they would like for this to end.

So we have an amendment today—and it is at an especially fortunate time for us, at a time when we are having tremendous fiscal issues in this country—we have an amendment before us today to do away with this tax credit, which seems to me to be only something of common sense.

I think most people in America know that years ago in Congress we passed a mandate that requires a certain amount of ethanol to be used. So this mandate is already in place. This mandate forces the use of a certain number of gallons of ethanol in this country. But on top of that, our country is now paying 45 cents for every gallon that is blended. Those people who receive this have told us this is unnecessary, that it is a waste of taxpayer money and they do not want it.

So the Coburn-Feinstein amendment does away with it. It also does away with a tariff—importers that import ethanol into our country now pay a tariff—which actually raises the price of ethanol. It actually raises what people are now paying at the pump because they have to pay a tariff to import this into our country. It does away with that tariff.

So this is a very commonsense amendment. I certainly thank Senator COBURN and Senator FEINSTEIN for offering this amendment at a time when our country is in such financial straits. It is rare that we have something like this, again, where those people who actually receive this credit would like to do away with it.

I know it has been argued that at the end of this last year we all voted for certain tax issues. That is an interesting argument—except what happens at the end of the year is, we do these en masse. There are minor provisions within this package that we have no opportunity to take out. So here this massive group of tax credits comes to us, and we have to vote up or down on a package of them. That is huge and has all kinds of tax provisions in it.

So there are some people in this body who have said: Well, but we just voted this in place. Well, we voted a package in place, but many of us for years have argued that this tax credit is redundant. We have argued that it is a waste of taxpayer money. We have argued that with the mandates in place there is absolutely no need for this, and the tariff that goes along with this, where we pay for imported ethanol. We pay more because of this tariff. It is absolutely a burden to American consumers and certainly, again, to taxpayers.

I thank the Senators for offering this amendment. I look forward to supporting it. This is one of those amendments—sometimes we vote on things down here that, candidly, are rather mundane. This is one of those amendments that I not only support, I support with tremendous enthusiasm and energy. I urge all of my colleagues in the Senate to support this very commonsense amendment that does something that is responsible for consumers; that does something that is responsible for taxpayers; and, obviously, will make our country stronger if it passes. I have a sense it may.

I urge those on the Senate floor to please consider it if they are now middle ground and have not made a decision.

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. COBURN. 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. COBURN. Mr. President, I have spoken on this earlier in the week. I will not spend a great deal of time today. Thanks to the majority leader, we will have two votes this afternoon on items that I think are representative of critical problems in our country.

The first is a vote on an amendment by Senator FEINSTEIN and myself that eliminates payment to the largest refining and oil companies in this country to blend ethanol, which they have honestly admitted—and they sent us a letter saying it—they don't want.

The second is on whether we will subsidize, with Federal tax dollars, additional pumps to use ethanol.

The reason the votes are important is because the way we get out of trouble as a nation is a couple of billion dollars at a time. We have a Federal mandate that says X amount of fuel has to be blended with ethanol every year. That will rise to 22 billion gallons in 2015. So there is no reason for us to pay somebody to blend it when they already have to, and we have seen the shift in the industry from small entities to the very large. When this program started, it was about less than a billion dollars in cost. It will now be, on an annualized basis, around $6 billion. While we are running a $1.6 trillion deficit, we need every penny we can get. So I am thankful this has been brought up. But it begs the larger question—actually there are two. One, can we trust markets—real markets—to work more effectively than Washington mandating and dictating policies?

Throughout our history—if you look at it in total—no government can ever do any allocation of scarce resources as well as the market can. The markets are not perfect. There is no question, they make mistakes and cause occasional shortages. But overall, in the long run, markets work much better than a bureaucratic Soviet-style mandate of what we will do and what price we will pay for it.

The second question it begs is, what is our country's energy policy? We send a quarter of a trillion dollars a year outside this country for oil and gas, liquids and natural gas. That is a quarter of a trillion dollars that we could invest here and pay for our own resources.

We are the only nation in the world where our resources are owned by the citizens and our own government limits our ability to utilize it.

The CRS just finished a study that shows that the oil and gas reserves in the United States are greater than that of Saudi Arabia, China, and Canada combined. So the question is, why aren't we using ours, rather than sending money overseas and undermining our own economy and not creating jobs?

The projections are that if we would truly utilize our resources, we could create close to 190,000 jobs a year in the exploration and energy business—without subsidies, without tax credits; that is what would be the result. With oil near $100 a barrel, and we continue to send the money out of the country instead of going after our own resources, which are plentiful, we have to ask the question, what are we doing?

The final point I will make is, when you buy ethanol-blended gasoline and you look at the price and you see, here is regular that has no ethanol in it, and here is ethanol-blended gasoline that is about 20 or 25 cents cheaper, it is important that the American people understand that you need to add $1.72 to that to get the real price you are paying for that blended gasoline, because that is what your government has put into the pipeline in the way of loans,

grants, subsidies, blenders credits, and taxes on imported ethanol. So even though it looks cheaper, it is not. It is about $1.40 more, when you look at all the costs taken from you as a taxpayer and put into the pipeline and given to the special interests, in terms of what we will have, and where we will have it, and when we will have it.

I support ethanol alternative fuel, especially now that it has 7½ percent of our market. But the best way for ethanol to survive is for it to stand on its own two feet, without subsidies, without us spending dollars we don't have to get something that we are going to get anyway.

I am extremely pleased with my discussions with Senator REID. I am thankful to Senator CARDIN, as well as Senator FEINSTEIN. She has been working on this for a long time. She opposed this when it started. She recognizes that what we have actually done is not help ourselves that much. We have markedly increased the cost of food. We can say 40 percent of the corn crop this last year went for ethanol, and corn is at historic highs. When you look at a poultry producer or beef producer or pork producer or lamb producer or turkey producer or milk producer or egg producer, their largest cost has doubled because of this policy.

Quite frankly, America is lucky because the worldwide demand for grains—given our wonderful farm community and their ability to produce—is extremely high and our farmers are extremely efficient. So this policy will not affect farm prices significantly right now. But, hopefully, in the future it will bring them down to a more moderate level.

Two-and-a-half years ago, corn was at $3 a bushel and most corn farmers made money. It is now above $7, even though their input costs have risen somewhat with the increase of oil prices. The farms in our country that raise grains have never been in better shape—if they can get a crop in. I know we have areas in the country where that hasn't happened.

So I think overall we are starting to address some of the misdirected capital formation in this country by backing off on government picking of winners and losers, and I am thankful for the opportunity to speak on that.

I yield the floor, as I see the Senator from Iowa is here.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Iowa.

Mr. HARKIN. Madam President, I ask unanimous consent that upon the completion of my remarks, the Senator from Ohio, Mr. BROWN, be recognized for his statement.

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

Mr. HARKIN. Madam President, I strongly oppose both the amendment offered by Senators FEINSTEIN and COBURN and the one offered by Senator MCCAIN that we will be voting on in a couple of hours.

My message today is very simple: This assault on America's ethanol industry is both misguided and undeserved. This is truly a homegrown industry built on the investment and labor of many thousands of Americans providing a product that helps us with one of our most pressing national issues—our dependency on imported oil. Yet here we are debating amendments that I think clearly tell the industry: You aren't important, you don't matter, and you don't have the support of the American people. I think that is not only the wrong message but a misguided message to be sending, and I will tell you why.

We have been struggling with our dependency on oil for almost 40 years. One of our strategies over that period of time has been to develop and commercialize biofuels. I am proud to have been involved from the beginning and I continue to this day to be a strong advocate for renewable biofuels produced from domestic feedstocks. We started working on this, as I said, over 30 years ago. It has been a long campaign, but it has been a remarkably successful campaign when you think about it. It took about 20 years for ethanol to get to the point of contributing just a few percent to our gasoline supply. In the past 10 years, biofuels, and particularly ethanol have gotten to the point where they now displace about 10 percent of our gasoline supply. Think about that: 10 percent of our gasoline supply, used basically for transportation, is displaced by biofuels. I think that is a remarkable achievement. No other alternative supply comes close.

In fact, no alternative supply provides even 1 percent of our domestic fuel demand. Let me repeat that: No other alternative to ethanol comes even close to displacing 1 percent of imported oil. Yet ethanol is displacing 10 percent today. Again, a remarkable achievement.

Our oil dependency problem is still with us. We still depend on it from many nations that are unstable or unfriendly to us, and it is getting worse. Oil imports are costing us on average, over the last few years, about $100 per barrel.

I know many of my colleagues share my strong concern about oil imports and the need to find alternatives, and that is why we passed new CAFÉ standards in the Energy Independence and Security Act of 2007. That is why we adopted a mandate for renewable biofuels in that same bill—a mandate for their use. Going back further, that is why we began providing tax incentives for biofuels production already in the 1970s. That is why we promoted alternative fuels in the 1991 Energy bill. That is why many of us today are promoting hybrid and electric vehicles. And that is why we need to continue to support the production of ethanol and other domestic biofuels.

Just as increasing efficiency standards have been a big success in reducing demand, promoting biofuels has been, by far, our biggest success on the supply side. They have gone from a few percent at the turn of the century to about, as I said, 10 percent today. Moreover, looking ahead, the most likely supply-side alternative to displace the next 10 percent of our gasoline demand is biofuels. Again, we recognized this fact in 2007 when we adopted the renewable fuels standard 2 RFS2—that requires 36 billion gallons of biofuels by 2022—36 billion gallons of biofuels by 2022.

Now, again, we should pay attention to the options. Let's promote alternatives, such as electric vehicles. I am all for that. But we should also make sure, since we are going to be using liquid fuels for most of our transportation fleet in the next 10, 20 years and beyond that we look at the biofuels. It is renewable—renewable and clean. Our biofuels challenge isn't production or even economics; our challenge is adapting our transportation markets, our fuel markets, to be able to utilize the biofuels.

Again, as I said, most of our biofuels are in the form of ethanol. That will continue to be our principal biofuel for many years to come. However, today we can only displace 10 percent of our gasoline in the form of a 10-percent blend of ethanol. It is called E10. You can go to your gas stations—and my friend from Oklahoma was referring to the ethanol blends, which is what we have today—and those are limited. Most of it is E10. Again, we need to be able to use higher blends—15 percent, 20 percent, even as high as 85 percent of ethanol.

In fact, in my State, and in our neighboring State to the north, Minnesota, we are beginning to see pumps called E85—85 percent of the fuel that comes out of it is ethanol, and only 15 percent is gasoline. Quite frankly, the flexible-fuel cars run just fine on that 85 percent blend. The problem is we need more blender pumps at our filling stations. We don't have them, but we need them. We have them in a few States, but very few States have blender pumps. So we need to pass a bill like S. 187, the Biofuels Market Expansion Act, which I introduced in January.

I remember a few years ago that Senator LUGAR and I had a meeting in the Ag Committee room. We had the major oil companies come in to ask them why they didn't put more blender pumps in their fuel stations. Their answer was very clear and very logical.

They said: Well, why would we take up valuable space in our filling stations for a blender pump when there are almost no flexible-fuel cars out there that could use it? Point well taken.

So after that we called in the automobile companies. I know we had Chrysler, Ford, GM, Honda, I believe there was, and we asked them: Why don't you make more flexible-fuel cars? The response, from their viewpoint, was very logical: Why should we build more flexible-fuel cars when there aren't any blender pumps out there? Point well taken.

So here we have the chicken and the egg dilemma. The oil companies say

they don't want to put in blender pumps with no flex-fuel cars out there, and the automobile manufacturers say they don't want to build flex-fuel cars because there are no blender pumps.

I might point out that in Brazil almost every car built by Ford, by GM, by Honda, or Toyota—those built in Brazil—are basically built for flexible fuel. They will burn anything from 10 to 20 to 50 to 85 percent—actually, in Brazil, up to 100 percent—of ethanol. That is the direction we need to go here.

With these two amendments today, we find ourselves going in exactly the wrong direction. The Feinstein-Coburn amendment tells the ethanol industry that it no longer has the support of Congress. The McCain amendment would block one of the most critical things we need to do; that is, the installation of flexible-fuel pumps.

I have said many times that we can reform our biofuels policy. I am more than willing to give up the ethanol tax credit. I have said that before on the Senate floor. We can give up the ethanol tax credit if the ethanol industry has access to the market. But when we take the two amendments together, one pulls the rug out from underneath the ethanol industry in terms of its tax credits—and I am saying: OK, fine. That is fine. We can do that, if we have access. Then the McCain amendment comes along and says: No, no, you can't use any of the funds we have put in the last Ag bill—which had tremendous bipartisan support, I might add—for blender pumps at fuel stations.

So here we have it. Tell the ethanol industry it can't get the tax credits, and guess what. We are going to keep them from getting access to the marketplace. That is what we need—market access for ethanol. You can go to Exxon and Mobile and Shell and all those gas stations. Do you think they want to put in an ethanol pump? They are OK with 10 percent—they will do the 10 percent now—but we need them to put in those blender pumps, and the automobile companies need to produce cars that are flexible fueled. They do a few of them now, but every car built ought to be flexible fuel so people can choose.

As I have said, ethanol can stand on its own two feet now, if people have the right and the freedom and the ability to use it. But if we are up against monopolistic kinds of filling stations that won't permit a blender pump to be put in, then ethanol has no marketplace.

We also need to build a dedicated pipeline for ethanol. The oil companies and the gas companies have their own pipelines. They would not put any ethanol through those pipelines. They say it is due to water and all that, but let's face it. They won't put any ethanol through their pipelines. The private sector can build—not the government but the private sector—and is willing and ready to build a dedicated pipeline from the Midwest to the east coast. A couple of companies have already secured most of the rights-of-way and are ready to go. All they need is one simple thing: a loan guarantee. They do not need money, just a simple loan guarantee so they know they can build the pipeline and that the ethanol industry can use it and get the fuel to the east coast, where the majority of our population is right now and where we don't have enough ethanol in our major population centers.

So, again, we need to redouble our national commitment to expanding the use of renewable energy and weaning ourselves off of imported oil. But we are not going to do it with these two amendments today. The ethanol industry just wants the marketplace to be able to accept it, and they will stand on their own two feet. They can do that. That is more important than the tax subsidies.

I might also add, I remember debating this issue with the then-Senator from Texas, Mr. Gramm. We had a lot of debates on the Senate floor back in the 1980s or 1990s, I guess, on this issue.

I pointed out at that time that if you talk about the tax credits and support from the government the ethanol industry has gotten, it pales in comparison to the dozens of years of tax write-offs and benefits we have given the oil companies in America going clear back to about 1920.

If you think about all the tax benefits we have given the oil companies in America to drill, to produce, to ship, to pipe, to refine, to market, and add it all up, ethanol is just a small part of that. But the oil companies have never given up. They have never given up on their assault on ethanol and on biofuels.

The Coburn amendment is precipitous. At the end of the year, the ethanol tax credits are going to expire. Hopefully, before the end of the year, we will reach some agreement, work out something where we have more access to the marketplace, and then we can do away with the tax credits. But we should not take an action that would slash the value of the ethanol industry's primary product by nearly 20 percent overnight.

Think about it this way. We have a 1-year extension of the ethanol tax credits that goes to the end of this year. We did that. The Congress did that. We said that to the industry. Investors have come in, modifications in plants have been made, plants have been built. Yet in the middle of the year we are going to say no? We are going to take it away?

To all my friends over there who keep talking about the private sector and how we need the private sector and don't need the government, you are going to pull the rug out from underneath the private sector on a guarantee that we gave them earlier this year. No industry could survive a shock such as that, and it is wrong. It is wrong to do that at this point in time.

We all know one thing. This afternoon, people can come down and vote against ethanol, vote against the tax credits for the ethanol industry, vote to cut off marketplace access to ethanol, but nothing is going to happen. The House will blue-slip it, and then we will be on to doing what needs to be done in a logical way; that is, to reduce the tax credits for ethanol, which I am in favor of doing. In fact, we then can promote market access.

Senator LUGAR and I, in the past, have worked on bills together, basically like the bill introduced this year, that would do three things: It would mandate a certain proportion of blender pumps be installed at the large gasoline stations, those that are owned by the major oil companies. It would provide tax credits to the small mom-and-pop stations that would put in the blender pump in their station, the independents. Third, it would mandate a gradual increase over the next few years of the number of cars produced in America and sold in America that are flexible fueled. If we do all those things, ethanol will stand on its own two feet.

I wished to say one last thing before I yield the floor to the Senator and that is this. Right now, much is made of the fact that there is $5 billion of tax credits this year going to the ethanol industry. I understand that. However, because of the lower price of ethanol, because we are blending 10 percent ethanol into gasoline, all the people in America today are paying less for their gasoline than they otherwise would if we didn't have ethanol. So if you take that into account, the fact that the consumers of America, when they fill their gas tank, are paying less than they would if they didn't have ethanol, that more than offsets the $5 billion we have put into the tax credits for ethanol support.

So, yes, we have supported the ethanol industry with $5 billion. I dare say, we have gotten back probably twice as much as that in savings at the gas pump for the consumers of America.

Perhaps that is what the oil companies are mad about. Maybe they would like to have that money for themselves. I suppose that is probably true. I understand that. But I think our obligation is to the consumers of America and to the private sector, which is operating on a guarantee we gave them that we would have these tax credits at least until the end of this year, and I think on an implicit guarantee that we gave that we would make sure there would be a marketplace that would be open and accessible for biofuels.

So that is what we need to do, to reduce the tax credits but open the marketplace for the ethanol with blender pumps and with flexible fueled cars. But that is not before us today. But we will continue to work together again toward the end of this year to make a reasonable, smooth transition from the tax credits to access to the marketplace, and I will take the floor again and again during the remainder of this year on these issues.

I am not doing it today, but I will show the amount of tax benefits that the oil companies have gotten over the last 80 years. Add that up and compare it to what the ethanol industry has gotten over the last about 30 years, and you will see that the oil companies have gotten a lot more than what ethanol has ever received from the government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I rise in support of my amendment. I would ask unanimous consent to speak as in morning business to speak on Libya.

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

LIBYA

Mr. MCCAIN. Madam President, yesterday, the President made an announcement that I believe will strike most of my colleagues and the Americans they represent as a confusing breach of common sense. Two administration lawyers claimed that U.S. military involvement in Libya is not in breach of or calls for the War Powers Resolution. In other words, they believe our military activities in Libya do not require a War Powers Resolution because the United States is not engaged in a state of hostilities in Libya.

This puzzling assertion seems to be undercut by the very report that the administration sent to Congress yesterday, which makes it clear that the U.S. Armed Forces have been and presumably will continue to fly limited strike missions to suppress enemy air defenses, to operate armed Predator drones that are attacking Qadhafi's forces in an effort to protect Libyan civilians, and to provide the overwhelming support for NATO operations, from intelligence to aerial refueling.

I agree actions such as these don't amount to a full-scale state of war, and I would certainly grant that I am no legal scholar, but I find it hard to swallow that U.S. Armed Forces dropping bombs and killing enemy personnel in a foreign country doesn't amount to a state of hostilities.

Unfortunately, this only adds more confusion to our already confusing policy in Libya. Our policy objective, as stated by the President correctly, is to compel Qadhafi to relinquish power. Yet that is not our military objective. The administration claims to have turned the operation in Libya over to NATO, an alliance in which the United States makes up three-quarters of the collective defense spending, as Secretary Gates recently pointed out. The administration sought the blessing of the United Nations, the Arab League, and NATO before using force in Libya but still has not sought a similar authorization or statement approval from the elected representatives of the American people. That is wrong.

The result of all this, I hate to say, is plain to see in the actions of our colleagues on the other side of the Capitol in the House. There is massive and growing opposition to continuing the U.S. involvement in Libya. There has already been one piece of legislation passed that binds the President's authority as Commander in Chief. There could likely be a vote soon to cut off funding for the entire operation. In short, the accumulated consequences of all this delay, confusion, and obfuscation has been a wholesale revolt in Congress against the administration's policy.

I take no pleasure in pointing this out, because though I have disagreed, and disagreed strongly at times, with aspects of the administration's policy in Libya, I believe the President did the right thing by intervening to stop a looming humanitarian disaster in Libya. Amid all our present arguments about legal and constitutional interpretations, we can't forget the main point: In the midst of the most groundbreaking geopolitical event in two decades, as peaceful protests for democracy were sweeping the Middle East, with Qadhafi's forces ready to strike at the gates of Benghazi, and with Arabs and Muslims in Libya and across the region pleading for the U.S. military to stop the bloodshed, the United States and our allies took action and prevented the massacre that Qadhafi had promised to commit in a city of 700,000 people. By doing so, we began creating conditions that are increasing the pressure on Qadhafi to give up power.

Yes, the progress toward this goal has been slower than many had hoped, and the administration is doing less to achieve it than I and others would like. But the bottom line is this: We are succeeding. Qadhafi is weakening. His military leaders and closest associates are abandoning him. NATO is increasing the tempo of its operations and degrading Qadhafi's military capabilities and command and control. The Transitional National Council is gaining international recognition and support and performing more effectively, and though their progress is uneven, opposition forces in Libya are making strategic gains on the ground.

I know many were opposed to this mission from the very beginning, and I respect their convictions. But the fact is, whether people like it or not, we are engaged in Libya and we are succeeding. So I would ask my colleagues, is this the time for Congress to begin turning against this policy? Is this the time to ride to the rescue of the man whom President Reagan called the mad dog of the Middle East? Is this the time for Congress to declare to the world, to Qadhafi and his inner circle, to all the Libyans who are sacrificing to force Qadhafi from power, and to our NATO allies who are carrying a far heavier burden in this military operation than we are—is this the time for America to tell all these different audiences that our heart is not in this, that we have neither the will nor the capability to see this mission through, that we will abandon our closest friends and allies on a whim?

These are questions every Member of Congress needs to think about long and hard but especially my Republican colleagues. Many of us remember well the way that some of our friends on the other side of the aisle savaged President Bush over the Iraq war, how they sought to do everything in their power to tie his hands and pull America out of that conflict with far too little care for the consequences their actions would have on our friends, our allies, our interests, and our moral standing as the world's leading power. We were right to condemn this behavior then, and we would be wrong to practice it now ourselves simply because a leader of the opposite party occupies the White House.

Last week, Qadhafi wrote a personal letter of thanks to the Members of Congress who voted to censure the President and end our Nation's involvement in Libya. Republicans need to ask themselves whether they want to be part of a group that is earning the grateful thanks of a murderous tyrant for trying to limit an American President's ability to force that tyrant to leave power.

The goal for all of us in this body, Democrats and Republicans alike, should not be to cut and run from Libya but to ensure we succeed. In the very near future, Senator KERRY and I, along with a strong senior bipartisan group of our colleagues, will introduce an authorization for the limited use of military force in Libya. The administration may assert that we are not engaged in hostilities in Libya, but the Senate should go on record as authorizing these operations. We are in a state of hostilities, and the only result of further delay and confusion over Congress's role in this debate will be to continue ceding the initiative to the strongest critics of our actions in Libya.

We plan to introduce the authorization soon. I urge the majority leader to schedule a vote on it quickly. The Senate has been silent for too long on our military involvement in Libya. It is time for the Senate to speak. When that time comes, I believe we will find a strong bipartisan majority that is in favor of maintaining our current course in Libya, that supports our seeing this mission through to success, and that is willing to continue standing in the breach with our allies until the job is done.

Madam President, amendment No. 411 would prohibit the U.S. Department of Agriculture from funding the construction of ethanol blender pumps or ethanol storage facilities—the latest request from the ethanol lobby. By prohibiting funding for these pumps and storage facilities we will prevent American taxpayers from spending over $20 billion to convert the 20,000 gasoline pumps currently under construction.

During Tuesday's cloture vote on the ethanol tax credit amendment, some members that voted against cloture cited concerns with the procedural tactics used to bring up the vote; the ''unfairness'' of ending the subsidy in midyear, therefore ''pulling the rug'' out from underneath the ethanol industry; and that it was somehow premature to end over 30 years of subsidies unless it was coupled with further funding for ethanol infrastructure construction.

I hope my fellow critics of the ethanol tax credit have taken notice of this new tactic over the past few weeks. For ethanol supporters, this debate has been about where and how to prop up the industry in the future—not whether the ethanol industry deserves future taxpayer support.

It is time to say enough is enough; this industry has been collecting corporate welfare for far, far too long. For those of us who have been fighting against these handouts over the last two decades, it has been far too long since we have had a full debate on this issue.

As a reminder to some of my colleagues of how this debate and support of corn-ethanol handouts has shifted over the years, I would like to read a portion of a floor statement on ethanol subsidies I delivered on March 11, 1998.

Mr. President, let me just take a moment and try to explain why we have such generous ethanol subsidies in law today. The rationale for ethanol subsidies has changed over the years, but unfortunately, ethanol has never lived up to the claims of any of its diverse proponents.

In the late 1970s, during the energy crisis, ethanol was supposed to help the U.S. lessen its reliance on oil. But ethanol use never took off, even when gasoline prices were highest and lines were longest.

Then, in the early 1980s, ethanol subsidies were used to prop up America's struggling corn farmers. Unfortunately, the usual ''trickle down'' effect of agricultural subsidies is clearly evident. Beef and dairy farmers, for example, have to pay a higher price for feed corn, which is then passed on in the form of higher prices for meat and milk. The average consumer ends up paying the cost of ethanol subsidies in the grocery store.

By the late 1980s, ethanol became the environmentally correct alternative fuel.

Unfortunately, the Department of Energy has provided statistics showing that it takes more energy to produce a gallon of ethanol than the amount of energy that gallon of ethanol contains. In addition, the Congressional Research Service, the Congressional Budget Office, and the Department of Energy all acknowledge that the environmental benefits of ethanol use, at least in terms of smog reduction, are yet unproven.

These facts are as true today as they were 13 years ago. In fact, we now have a better understanding of the negative effects corn-ethanol has on both the environment and food prices than we did 13 years ago.

But it is important to note that while attention is being paid—and rightly so—to eliminating the unneeded and wasteful ethanol tax credit, the corn-ethanol lobby is seeking a new ethanol-stimulus package by attempting a congressional runaround to continue bilking American taxpayers out of their money.

Instead of seeking approval from Congress, lobbyists have convinced the USDA to change the rules of the Rural Energy for America Program to pay for new gas station pumps at retail stations at the expense of solar, wind, and energy efficiency projects. In fact, the President has announced his goal to fund the construction of 10,000 ethanol blender pumps and tanks within the next 5 years—a down payment on future ethanol-stimulus spending.

Supporters of ethanol corporate welfare are happy to tell you that if they get their way, these 10,000 blender pumps and tanks will be the tip of the iceberg for billions in new federally funded corn-ethanol infrastructure development.

To be perfectly clear: Not content with government support to subsidize ethanol, protect it from competition, or require its use, lobbyists now want American taxpayers to pay for the construction of pumps and holding tanks at retail gas stations.

Of course, the U.S. Department of Agriculture is happy to comply with the industry's request to fund infrastructure construction. On April 8, 2011, Secretary Vilsack issued a rule that would classify blender pumps as a renewable energy system qualifying it for funding under the Rural Energy Assistance Program.

When Congress created the Rural Energy Assistance Program it had no intention of paying gas station owners to upgrade their infrastructure, further subsidizing the ethanol industry.

Furthermore, as a bonus to any gas station owners that take advantage of the grant program, once the Federal Government has built the blending pumps and holding tanks, retailers will be eligible to receive the ethanol tax credit, double dipping in the Federal Treasury.

How expensive will this ethanol stimulus be if the special interest lobby gets its way? According to the U.S. Department of Agriculture an ethanol blender pump and tank cost an average of $100,000 to $120,000 to install. With over 200,000 fuel pumps currently operating in the U.S. it would cost over $20 billion to convert them all. This is one stimulus project that we cannot afford.

And for those concerned about the lack of support for wind and solar projects, a recent Congressional Research Service—CRS—report indicates that tax credits and subsidies for solar, wind and geothermal power will cost $8.62 billion from 2008 to 2012; the ethanol tax credit alone would cost over three times more—$26.5 billion. Allowing the Rural Energy for America Program to continue funding blender pumps and tanks will only continue this trend.

For my colleagues that really wanted to end the corporate welfare handouts to the corn-ethanol industry but were concerned over the process issues surrounding the ethanol tax credit vote or concerned about the fairness of ending the tax credit in midyear, you can rest assured that those concerns to not apply to this amendment.

It is time Congress takes a step towards ending unneeded and unnecessary payouts to a robust and strong industry. In a time of fiscal constraint, when all are being asked to make a sacrifice, we should expect more from leaders in the private sector than continuing to seek handouts—''stimulus projects''—from the Federal Government.

I was disappointed, obviously, in the vote that we took concerning the ethanol subsidies and I know probably how the vote on this amendment will turn out. The message is: Americans, we are not serious about heeding the mandate of last November to stop spending, to stop wasteful projects, to stop the unnecessary projects such as ethanol subsidies. We are going to spend 20 billion of your tax dollars in your local gas station to install a pump.

No wonder the American people, according to recent polls, are disillusioned, disappointed, and pessimistic about our future. This vote on this amendment will confirm an ample and adequate reason and an understandable reason for that pessimism.

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

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

Mr. MCCONNELL. Madam President, I know we are scheduled to have two votes around 2 o'clock today on the ethanol issue. Once we are past those amendments, we have a number of other important issues to be debated and hopefully scheduled for votes. Senator HUTCHISON, for example, has one on health care lawsuits, Senator PORTMAN on unfunded mandates, Senator BROWN on withholding payments, Senator DEMINT has an amendment on the death tax and the renewable fuels standards. In addition, our ranking member and manager, Senator INHOFE, has a couple of amendments as well.

I will be talking to the majority leader during the next votes to see how we can begin to schedule votes on these and other amendments that may need to be considered before we move to final passage.

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

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

Mr. CORKER. Madam President, I arrived today to speak to the McCain

amendment. I noticed my colleague from Arizona was just on the floor. I wanted to say I appreciate him offering this amendment. As with the Coburn-Feinstein amendment, I support his amendment.

I also wanted to make reference to the comments he made regarding our conflict in Libya. I agree with him—these are my words—that it is bizarre the administration sent over a letter yesterday, referring to the fact that we are not involved in hostilities in Libya. It is really totally bizarre when you look at what is going on in the air in Libya right now. I have no idea why Mr. Coe would have offered this argument. I know we are going to have a hearing in Foreign Relations in the next couple of weeks to look at this issue.

Thirdly, I would like to point out one of the reasons we are in this situation right now where Congress has not authorized anything in the administration—I sent a letter to the administration, Secretary Gates and Secretary Clinton, 9 weeks ago just asking five questions about our engagement in Libya. I received last week a letter from an Acting Assistant Secretary that gave me half an answer on one of those five questions.

I think most people in this body are aware that Senator WEBB and I then authored a resolution asking 21 questions of the administration regarding Libya. I thank them for transmitting to us some information on Libya yesterday. We have not yet gotten access to the classified versions of it. We have, obviously like everyone else here, I am sure, read the unclassified version. But I think the reason we find ourselves in the place we are is we just have not been able to get information from the administration regarding this conflict.

I know the Senator from Arizona and the Senator from Massachusetts are working on an authorization request, a limited authorization. I hope they will potentially wait until we have the answers to all 21 questions, the same questions to which many of the House Members wanted the answer. I share with them the frustration that Congress has not taken any action and would say I am really stunned by the fact that the administration has chosen not to give responses to questions until yesterday. And really this was done in response to I know what they saw was a movement in Congress just wondering why in the world they would be so resistant to answering basic questions regarding a conflict.

But then secondarily, again, just the bizarre answer that we are not involved in hostilities—I mean, you can't tell Senators one thing in private, the same Senators, and tell them something else in public and expect Senators to feel any degree of credibility regarding those statements.

I thank the Senator from Arizona for the comments he has made. We have had an amicable relationship regarding this discussion. We have had like thoughts on several aspects of this conflict, and we have had probably some differing thoughts, but I am here today to say I agree with him that his amendment is an amendment that needs to be passed. I agree with him that it is incredible that we have not acted as a Congress, and I would say the big reason for that is just the lack of information. For some reason, the administration has gone to seek approval from the United Nations but has not shown any desire to seek approval from Congress. It is just, again, odd.

Then thirdly is just the bizarre nature of this administration saying that what we are doing there does not involve hostilities when in their unclassified version that the whole world has the ability to see, there is no way the engagements they have said in an unclassified document are occurring in Libya do not involve hostilities. That is just absolutely categorically not possible.

I do hope that very soon Congress will take action. I hope that all the questions we have asked for answers to have been answered, and I think all of us will know very soon when we actually gain access to the classified versions of what has been sent over.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. I see I am joined by the Senator from Iowa, who I know will speak shortly and has been a leader in biofuels and energy for many years.

I rise to speak about the votes we will have later today on the amendments that would immediately cut off support for our homegrown energy industry with I guess a few days' notice. I did not think there was precedent for this decision. If this were to ultimately pass—I am not certain this is the vehicle that would allow it to go into law, but if it were to pass, we would have made a decision that is different from the decision in January affecting an industry that employs nearly 500,000 people.

I wish to talk about the amendment offered by my friend, the Senator from California. And I would hope, I would say first, that if we were voting twice on an amendment in just a few days, it would be something that creates jobs or decreases our dependence on foreign oil, but that is not the case here. We are talking about pulling the rug out from an industry that provides 10 percent of the Nation's fuel supply and supports nearly 500,000 jobs. I don't think people quite understand that about biofuels. I think they think it is some boutique industry. Madam President, 10 percent of our Nation's fuel supply at a time when gas is up near $4 a gallon.

We know there is support for phasing out the current ethanol tax credits. I have a bill to do that. Senator GRASSLEY has another bill to do that. We understand that at a time when our country is facing severe budget constraints. But the question is not if we should do it—we will—it is when and how.

We all know homegrown energy has played an important part in reducing our dependence on foreign oil and supported thousands of jobs. We also know that as we continue to move our Nation toward energy independence—by the way, we actually are moving up in terms of our own energy independence, which is a goal that I believe every Member strongly supports, and that is that homegrown energy will be a significant part of our solution. We need a glidepath and not a cliff for the only alternative to oil.

Immediately ending all support for the biofuels industry, as the amendments we are considering propose to do, would stifle investment in not only the existing ethanol industry but also the newly developed cellulosic—yes, that is part of this—cellulosic, algae, and the next generation of biofuels, which I think holds the most hope for this country. In fact, many of the first advanced biofuel plants are co-located with corn ethanol plants. You cannot promote next-generation fuels by ending a tax policy for existing biofuels 6 months into a 1-year extension with only a few days' notice.

Again, the real debate is not about whether we end this tax credit—we know we should do it, and I believe we should do it with oil, too, but right now we are on biofuels—it is about how we do it. That is why the Senator from South Dakota, Mr. THUNE, and I continue to work toward the bipartisan compromise to reduce our deficit and offer a reasonable way to reform the biofuels industry and achieve significant deficit savings immediately. And I appreciate our colleagues talking to us. We have had many meetings, and we are working very hard to get this done. We need to work toward a pragmatic solution that reforms the ethanol industry without harming jobs or driving up gas prices at a time when gas is over $3.70 a gallon.

An article in the Chicago Tribune underscored the fact that if we cease to produce the 13 billion gallons of ethanol we make every year, it will drive up prices at the pump by as much as $1.40 per gallon in the short term. Does the Senate actually think we can afford to raise gas prices by $1.40? Do my colleagues think we can afford $5-per-gallon gas?

I look forward to working with my colleagues on a more responsible option that will reduce the deficit and not suddenly disrupt an industry that supports $3 billion in economic activity in my State alone.

I also wish to say a few words in opposition to the amendment offered by my friend from Arizona, Senator MCCAIN. Our current policies provide incentives for many different kinds of fuel-dispensing technologies—from hydrogen to natural gas, to electric hookups, to ethanol—but the McCain amendment singles out only biofuel

blender pumps and proposes to cut all incentives for investment in these pumps at a time when we need to be expanding our fuel supply options, not limiting them to oil from Saudi Arabia. We should be investing in the farmers and workers of the Midwest and not the oil cartels of the Mideast.

What the McCain amendment does is focus on limiting those blender fuel pumps. Blender pumps do not require customers to use ethanol. That is why they are blender pumps. They give consumers a choice at the pump and help lower gas prices for all consumers, even those who do not use the higher blends of ethanol.

From 2000 to 2010, competition from ethanol reduced wholesale gasoline prices by an average of 25 cents per gallon, saving American consumers an average of $34.5 billion annually. During the gasoline price runup in 2010, the impact of ethanol and gasoline prices was substantially larger, reducing gasoline prices by a national average of 89 cents per gallon.

Giving consumers a choice of using higher blends of renewable fuel has allowed the country of Brazil to become energy independent, and we can do the same here.

The McCain amendment would also do more than limit consumers' options at the pump. I know North Carolina is a good military State. This would prohibit the U.S. military from constructing blender pumps or storage tanks that can use more fuels that would be more resilient in case of a fuel supply cutoff from OPEC or other disruptions in the global fuel supply.

Our dependence on foreign oil has been widely recognized by our military and diplomatic leaders as a major strategic vulnerability. To respond to this, we have taken important steps in recent years to encourage U.S. Government and military fleet vehicles to be fuel flexible as part of our efforts to reduce both our spending on fuel and our dependence on foreign oil. Shouldn't we allow our homegrown ethanol to compete with foreign oil to fuel these vehicles?

I urge my colleagues to oppose the McCain amendment. At a time when families and businesses across the Nation are battling high fuel costs, we should be giving them more options at the pump, not less.

Today's votes on the Feinstein amendment and the McCain amendment are part of a process. We all know it is not the final result. While I strongly oppose both amendments, I also know that regardless of the outcome today or even the outcome of that vote 2 days ago, we still have work to do.

I appreciate the willingness of the Senator from California and the Senator from Oklahoma to continue to negotiate with Senator THUNE and myself. These are serious ongoing negotiations. I am hopeful that in the coming days we can reach a bipartisan compromise. It is not just about one amendment on a bill that is not the vehicle where we can get this done, but, in fact, we actually have a bipartisan compromise that balances our need to continue to support homegrown biofuels with our need to reduce our deficit and to do this in a way that actually puts money right now back to our government to pay off this debt.

I see Senator GRASSLEY, who knows a little bit about finances with his major role on the Finance Committee, and also, as a farmer, a little bit about the biofuels industry.

I yield the floor.

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

Mr. GRASSLEY. I compliment Senator KLOBUCHAR on her leadership in trying to find, first of all, leadership in supporting biofuels and alternative energy but also working very hard for the last few weeks to find a compromise on this issue that is a very difficult issue and very divisive here within the Senate.

So we are voting at 2:00 today on these amendments to which Senator KLOBUCHAR has already referred. The first is an amendment by Senators FEINSTEIN and COBURN repealing the incentive for domestically produced ethanol. I emphasize ''domestically produced'' because we do not have to worry about oil sheiks robbing us of all of our resources when you burn ethanol the way you do when you burn imported gasoline. The second amendment is offered by Senator MCCAIN, prohibiting the U.S. Department of Agriculture from using funds for the installation of blender pumps.

These amendments won't lower the price of gasoline at the pump. That is what people today are concerned about—the price of gas at the pump. These amendments won't lessen our dependence on foreign oil. We spend $835 million every day importing oil. And these amendments won't create a single job in the United States. In fact, they will do just the opposite. They will raise the price of gasoline, make us more dependent on foreign oil, and they won't create a single job. Most importantly, these amendments also won't save the taxpayers any money because they stand little chance of being enacted. Even if the amendments were to pass today, they won't get out of this Chamber because of our Constitution that says that revenue measures must originate in the House of Representatives. So when this bill, if it passes the Senate, goes to the House, they are going to reject it, or they use the term ''blue slip'' this bill, and it is going to come back to the Senate. So this bill, with these amendments, is dead on arrival in the other body.

It is also dead on arrival at the White House. We have had indications in a statement that President Obama opposes repealing the incentives and is open to new approaches that meet today's challenges and save taxpayers money.

I remember one of the first policy discussions I had with then-new Senator Obama. I was chairman of the Finance Committee. He came up, and we talked about what we could do working together to promote ethanol as an alternative energy. His idea was incorporated into a piece of legislation that became law. I was glad to work with him on it. So I thank President Obama for the statement he recently gave—again, now, as President of the United States—supporting alternative energies, biofuels, and, in this case, specifically ethanol.

The votes at 2 o'clock, then, are a fruitless exercise. So in a sense we are in political theater here as we debate these issues. We have already had this vote, and it was defeated 40 to 59.

Everybody knows oil is now hovering near $100 a barrel, and everybody knows, as we hear once a month or maybe are reminded every day, unemployment is 9.1 percent. So why has the Senate taken a full week, voting twice, on the same amendment that will increase prices at the pump, increase dependence upon foreign oil, and lead to job loss, or at least do nothing about the unemployment rate?

We should be having this debate in the context of a comprehensive energy plan. This debate should include a review of the subsidies for all energy production, not just singling out ethanol. Nearly every type of energy gets some market-distorting subsidy from the Federal Government. An honest energy debate should include ethanol, oil, natural gas, nuclear, hydropower, wind, solar, biomass, and probably a lot of other alternative energies I don't think of right now. By discussing it in the context of an overall energy policy instead of singling out ethanol right now, we would be able to then make sure we have a level playing field for all forms of energy because the government shouldn't be choosing between petroleum and alternative energy, as an example.

When the oil and gas subsidies were targeted, as the ethanol subsidies are being targeted right now and oil and gas subsidies were targeted last month, the president of the National Petrochemical and Refiners Association had this to say:

> Targeting a specific industry, or even a segment of that industry, is what we would consider punitive and unfair tax policy. It is not going to get us increased energy security, increased employment, and it is certainly not going to lower the price of gasoline.

Well, those very same words could be said about the ethanol debate we are having right now because it would surely increase our energy insecurity, it would increase unemployment, and it is certainly not going to lower the price of gasoline.

So it seems to me that the old saying about what is good for the goose ought to be good for the gander applies. So what is good for a subsidy on petroleum and the people who defend that—why would we want the inconsistency we are demonstrating here? Because

that gets back to how I voted on that provision about a month ago. I voted that we ought to deal with oil and gas and ethanol and all of those things in the same context and make sure they fit into an overall national energy policy.

In December 2010, Congress enacted this 1-year extension of VEETC, the volumetric ethanol excise tax credit, also known as a blenders' credit. We extended it for 1 year. That is what is being repealed in the Coburn amendment. This 1-year extension has allowed Congress and the domestic biofuels industry to determine the best path forward for Federal support of biofuels and for the phasing out of that subsidy.

As a result of these discussions, Senator CONRAD and I introduced bipartisan legislation on May 4 that is a serious, responsible first step to reducing and redirecting Federal tax incentives for ethanol. Our bill will reduce and phase out VEETC over a period of a few years. It also would extend through 2016 the alternative-fuel refueling property credit, the cellulosic producers' tax credit that deals with a second generation of ethanol from things other than grain, and the special depreciation allowance for cellulosic biofuels plant property.

Earlier this week, I joined Senator THUNE and Senator KLOBUCHAR in introducing another bipartisan bill to immediately reduce and reform the ethanol tax incentive. It includes many of the same features as the bill I introduced last month with Senator CONRAD, but it enacts these reforms this year, right now. Senator THUNE's approach also leads to significant deficit reduction.

The legislation we have introduced is a responsible approach that will reduce the existing blenders' credit and put those valuable resources into investing in alternative-fuel infrastructure, including alternative-fuel pumps or, as Senator KLOBUCHAR used the term, blender pumps. It would also make significant investments in advanced and cellulosic ethanol. That is the second generation of ethanol. That is where we want to go so we are not using grain for fuel. It is a forward-looking bill that deserves widespread support.

The Thune-Klobuchar bill of which I am a cosponsor will responsibly and predictably reduce the existing tax incentive and help get alternative-fuel infrastructure in place so consumers can decide which fuels they prefer. We shouldn't pull the rug out from under this industry that has made these enormous investments. We need to provide a transition.

I know that when American consumers have the choice, they will choose domestically produced, clean, affordable, renewable fuel. They will choose fuel from America's farmers and ranchers, rather than from oil sheiks and foreign dictators.

Both of the ethanol reform bills I mentioned are supported by the ethanol advocacy groups. In an almost unprecedented move, the ethanol industry is advocating for a reduction in their Federal incentives. No other energy industry has come to the table to reduce or eliminate subsidies. No other energy lobby has come to me with a plan to reduce their Federal support. For sure, Big Oil hasn't come forward with any suggestions on reducing their subsidies.

The best way to get deficit reduction that gets to the President's desk with a Presidential signature is a responsible transition such as the one offered by Senator THUNE and Senator KLOBUCHAR. Otherwise, this exercise today and these two votes today are a waste of time. This vote will simply put many Members of this body on record in support of a $2.4 billion tax increase.

I would encourage those who wish to reduce incentives and save taxpayers' money to work with Senators THUNE and KLOBUCHAR and the rest of us on a responsible transition that has a chance of being enacted and, most importantly, signed by the President; therefore, I urge my colleagues to oppose these two amendments.

I have always said that ethanol shouldn't be singled out, that it ought to be talked about in the context of an overall energy policy. But one of the reasons it has been able to be separated from all of the rest of the alternative energy as well as from all the rest of our energy policies we have for this country is because there is a great deal of ignorance about ethanol. We can tell that in this town when we hear a lot of people mispronounce the word ''ethanol'' with a long ''e.'' So I want to refer to some of these things, and I am going to use statements from the sponsor of the bill and refute some of these things I think are really wrong.

The first one:

> We can save $3 billion if we eliminate the VEETC blending subsidy.

Well, there are a lot of numbers thrown around about how much this incentive costs and how much the Coburn amendment would save. I have a letter from the Joint Committee on Taxation with a score of the Coburn amendment. The fact is, the amendment, if enacted on July 1, 2011, would increase revenue to the Federal Treasury by $2.4 billion, not $3 billion as the author stated. Again, the Coburn amendment, if enacted, would be saving $2.4 billion. That is from the Joint Committee on Taxation; that is not my estimation. That is the estimation of the people who score for the Congress of the United States what impact various tax bills have.

Another statement:

> All the blenders of gasoline in the United States—all of them—have called and written and said: ''We do not want the $3 billion for the rest of the year.''

I have a letter from the Society of Independent Gasoline Marketers of America—and they go by the acronym SIGMA—to the Senate majority and minority leaders opposing efforts to prematurely and abruptly eliminate the blenders' credit, contrary to the statement I just read that all the blenders want to do away with this.

The letter states:

> As the leading marketers of ethanol-blended fuel at the retail level, SIGMA members and customers are the beneficiaries of VEETC. Simply put, SIGMA opposes recent moves to prematurely or abruptly end the subsidies without any consideration for future fuel and fuel-delivery costs. To end this incentive immediately would no doubt result in immediate spike in consumers' fuel costs.

That is the end of the quote from the Society of Independent Gasoline Marketers of America.

So I hope somebody will put that in their pipe and smoke it because the fact that all of these people, we have been told here on the floor of the Senate, don't want this—well, that is an incorrect statement.

Another statement:

> According to the U.S. Department of Agriculture, 40 percent of last year's corn crop was utilized, converted to ethanol.

It is true that almost 40 percent of the corn crop went into the ethanol plant to produce ethanol. But what it doesn't tell us is that out of a 56-pound bushel of corn, there are 18 pounds of animal feed left over that is more efficient in fattening animals than even the original corn. That is called dried distillers grain. So I do not want people of this body to come to me in their ignorance and tell me we are using too much corn and saying it is 40 percent of the corn crop when 18 pounds out of every 56-pound bushel of corn is for very efficient animal feed. So I am going to take credit for that 18 pounds and refute this statement that 40 percent of last year's corn crop was utilized and converted to ethanol.

One bushel of corn produces nearly 3 gallons of ethanol and 18 pounds of high-value animal feed. In 2010, 4.65 billion bushels of corn were used to produce 13 billion gallons of ethanol. But ethanol production uses only the starch from the corn kernel. More than one-third, or 1.4 billion bushels of dry distillers grain, is left over available as a high-value livestock feed.

On a net basis, ethanol production used only 23 percent of the U.S. corn crop—far less than the 40 percent that Senator COBURN claims. According to the U.S. Department of Agriculture, feed use consumed 37 percent of the U.S. corn supply, much more than the 23 percent consumed by the ethanol production.

The next statement that is incorrect:

> The American people ought to take into consideration when they go buy a gallon of fuel today—you already have $1.72 worth of subsidy in there. It does not have anything to do with oil and gas drilling.

I believe Senator COBURN is referring to a report from the Congressional Budget Office. For the record, that report relied on the questionable assumption that only a tiny fraction of ethanol consumption is attributable to the ethanol tax credit. Regardless, I am glad he raised this point about subsidies and oil and gas drilling.

Our colleagues may be interested to learn of the hidden cost of our dependence upon foreign oil. And these are not my estimates. I am going to give you references for you to look up.

A peer-reviewed paper published in Environment Magazine in July 2010 concluded that '' . . . $27 to $138 billion dollars is spent annually by the U.S. military for protection of Middle Eastern maritime oil transit routes and oil infrastructure, with an average of $84 billion dollars per year.''

Isn't it convenient to forget those costs of our national defense, such as keeping oil lanes open so we can get oil to the United States that we spend $835 million every day to import oil?

I wish to refer to another one.

Milton Copulos, an adviser to President Ronald Reagan, a veteran of the Heritage Foundation, and head of the National Defense Council Foundation, testified before Congress in a recent year on the ''hidden costs'' of imported oil.

Mr. Copulos stated that by calculating oil supply disruptions and military expenditures, the hidden costs of U.S. dependence on petroleum would total up to $825 billion per year. The military expenditure is equivalent to adding $8.35 to the price of a gallon of gasoline refined from Persian Gulf oil. There is no hidden—this is important about ethanol—because there is no hidden U.S. military cost attributable to homegrown, renewable, environmentally good ethanol.

Here is another statement I wish to refute:

> There is a big difference between a subsidy that is a tax credit and allowing someone to advance depreciation because they are going to write it off anyhow.
>
> The net effect to the Federal Government's revenue, if you take all of those away, is still zero.

That statement wants you to believe that all the tax benefits the oil industry gets are just tax benefits; they are not a subsidy. Well, my response is, I have to refer to a September 2000 report by the Government Accountability Office. But that report concluded that the Federal Government has granted tax incentives, direct subsidies, and other support to the petroleum industry. They describe tax incentives as Federal tax provisions that grant special tax relief designed to encourage certain kinds of behavior by taxpayers or to aid taxpayers in special circumstances.

According to the Government Accountability Office, the tax break allowing for the expensing of intangible drilling costs began in 1916. The percentage depletion allowance was enacted in 1926.

The Government Accountability Office estimated that these two tax incentives led to a revenue loss of as much as $144 billion between the time studied by the Government Accountability Office, which goes from 1968, to when the report was given in the year 2000.

I would say to my colleagues that those figures I just gave you are a far cry from the zero revenue effect that Senator COBURN claims for the oil industry. These are the Government Accountability Office's words and figures. They refer to them as tax incentives that resulted in the loss of revenue of more than $100 billion to the Federal Treasury over a 32-year period.

I have heard Senator COBURN on the floor on many occasions talking about the dire fiscal situation our country is in. I find myself voting with Senator COBURN most of the time. But on this issue, I disagree. Yet on this issue, it sounds as though he is arguing about semantics. One is a ''subsidy,'' yet the other is a ''legitimate business expense.'' In other words, in the case of ethanol, it is a subsidy. In the case of Big Oil and their taxes, it is a legitimate business expense.

I am not sure this argument over terminology will give our children and grandchildren much comfort when they are picking up the trillion-dollar tab over the next couple of decades.

The last statement I wish to refute is this:

> Corn prices are at $7.65 a bushel.

Well, that had to be a couple days ago because I get a report every day on corn prices at my local elevator in New Hartford, IA. They were $7.10 yesterday. But let me quote again.

> Corn prices are at $7.65 a bushel. They are 2½ times what they were 3½ years ago. [Ethanol] has been, this last year, the significant driver.

Let me suggest, first of all, that he is right, 3½ years ago, corn was about $7 a bushel. But 6 months later, it was $3.58 a bushel. So anybody who thinks corn is going to stay at this historically high price is not very smart. And if farmers are spending money according to that, they better slow up because they are going to be caught off guard and out of business like they were in the 1980s.

So this is my response, in addition to what I said about corn going down to $3.58: Grain used for ethanol accounts for approximately 3 percent of the world's coarse grain. Let me reflect on that statement for a minute, because you get the opinion, when they say 40 percent of U.S. corn is used in ethanol, that, ye gods, what are people going to eat? But worldwide—and the grain market is worldwide—the global marketplace decides the price of grain. And worldwide, only 3 percent of the coarse grain—and corn is one of the coarse grains—is used for fuel. Because of the increased corn production, the amount of grain available for non-ethanol use is growing.

In the year 2000, there were 2.4 billion metric tons of grain available for uses other than for ethanol. Even with the growth of the ethanol industry, last year there were 2.6 billion metric tons of grain available for uses other than for ethanol.

It is also important to review the cost of corn in retail food prices. The corn price today: The corn cost in a gallon of milk is about 46 cents. The cost of corn in a pound of chicken is 34 cents. One pound of beef takes 92 cents worth of corn. One pound of pork requires 39 cents.

So you have all these excuses coming from the food manufacturers of the United States that ethanol is the cause of food prices rising. But you can see in the figures I just gave you that what the farmer gets out of a dollar's worth of retail food is about 21 cents. And you could cut this in half, and it will be cut in half, like it was 3½ years ago. But when the price of corn goes down, you are not going to see big food manufacturers reducing their cost of food by 20 percent because they need ethanol as a scapegoat to raise the price of food.

That is all I have to say about ethanol. But I do have an amendment I am submitting to this bill that is before us that is unrelated to ethanol, but it also brings up the same point: that there are a lot of places in this budget we can save money.

Senator JOHNSON of South Dakota and I are submitting this amendment that pertains to setting limits that any one farmer, including this farmer, can get from farm program payments.

I have been pushing for reform of farm program payments for many years. Some folks from outside of Iowa unfamiliar with this issue may be surprised that I am the Member who keeps pushing these reforms. They may think: Iowa's economy relies heavily on agriculture. Why would a Senator from a farm State such as Iowa want a hard cap on farm payments?

But Iowa farmers understand why I continue pushing for a hard cap. This is about making sure the farm programs provide what they are supposed to provide: a safety net for those who need it; basically, farmers who have the economic incapability of overcoming natural disasters and political issues and international politics that they have no control over that affects the impact of farm income. Those are small and medium-sized farmers. They are not these megafarmers that are 10 percent of farmers getting 70 percent of the benefits out of the farm program.

These small and medium-sized farmers—as, of course, bigger farmers do—play a vital role in supplying our Nation and world with food. However, they are continually, as small farmers, faced with the challenge of rising land prices and cash rents. Many times, young and beginning farmers cannot compete because of high land prices and rents. There is no doubt the rise in commodity prices is part of the reason for higher land prices and cash rents.

But, currently, farm program payments are also placing upward pressure on land prices. This is not how it is supposed to work. What I just said means we are subsidizing big farmers to get bigger. There is nothing wrong with big farmers getting bigger. I do not argue with that in any segment of our economy. But we should not be subsidizing big farmers to get bigger.

The farm program was put in place to provide a safety net for farmers. It is meant to help them get through tough times. The farm program was not created to help big farmers get bigger. Let me repeat for you—because it cannot get enough emphasis—10 percent of this Nation's largest farmers receive 70 percent of the farm program payments.

These large farms do not need these program payments to get through tough times. Small and medium-sized farmers do not need nonmarket factors driving up the land prices and cash rents.

This amendment is a commonsense solution to this problem. Reform the farm program so it works as a true safety net for those it was intended for. We can do that by placing limits on how much a single farm operation can receive in program payments. The government should stay out of subsidizing the growth of large farms.

In addition, this amendment tightens the requirements for people to be considered an actively engaged farmer. For too long, people have gamed the system and received farm payments that the law did not intend.

There have been a number of amendments submitted to the EDA bill before us in the name of saving taxpayer dollars. The ethanol amendment—supposedly that is one of the motives behind it.

By setting hard payment caps, and making these other reforms, we will save the U.S. Treasury approximately $1.5 billion over 10 years.

The headlines around here are dominated by the problems of the budget. Many of my colleagues have come to this floor in recent weeks and discussed government spending and the big debt.

If this body is going to be serious about cutting spending, then this amendment I am laying before you as a limitation on farm payments is a continuation of that effort. Instead of spending time debating the merits of programs that assist the renewable energy industry, an industry that, by the way, helps us wean ourselves off our need for foreign oil, why do we not agree to make cuts in areas we should be able to have an agreement?

This is a simple and commonsense way for us to save money, while at the same time making sure the farm program accomplishes what it is supposed to.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 9 minutes 37 seconds remaining.

Mr. THUNE. Mr. President, I wish to join my colleague from Iowa, who has been a great leader over the years on the issue of biofuels, in trying to transition our country away from the dangerous dependence we have on foreign oil and over the years has worked to put in place policies that have helped build an industry literally from the ground up. The ethanol industry, in its inception many years ago, sort of started with just a few farmers getting together. Today they are producing about 13 billion gallons of ethanol. It represents 10 percent of our entire fuel supply. There is not any other fuel in the country that provides the alternative to traditional gasoline ethanol does.

That is the result of a lot of investment, a lot of hard work by a lot of people over the years. It has also been as a result of a dependance upon what has been fairly stable public policy. Now there is a debate about whether that public policy ought to change. That certainly is a debate we can have. I do not wish to get into the merits of the individual elements of ethanol policy because obviously people are going to disagree about that.

But I am going to point out that we put this policy in place in December of last year. In December of last year, we told this industry, which represents—these are 204 American-owned plants. These are American companies that employ almost 500,000—indirectly or directly—American jobs and American workers in this country. So we told them, in December of last year, 81 Senators—81 Senators, many of whom are now saying, I am going to vote to do away with this particular tax policy—81 Senators voted for it. We had 81 votes in the Senate in December that said these are going to be the rules of the game until December of this year.

So now we have this effort to completely change the rules in the middle of the game. I have not been here all that long. I served three terms in the House of Representatives. I am in my seventh year in the Senate. But I do not recall an occasion where we have ever done anything such as this, where the Congress has put policy in place, made commitments to American businesses—in this case, people who employ American workers—and then tell them 6 months later, I am sorry, we are going to pull the rug out. You are out there on your own now.

It would be one thing if these decisions were made in a vacuum. But most of these businesses made investment decisions based upon public policy that was put in place by this Congress. We cannot, in good faith, now go tell them we are just going to jerk this policy out of the way. Does our word mean anything around here?

To start with, we have an issue with this particular amendment because it is unconstitutional. We cannot originate a tax measure in the Senate. So it will be blue-slipped in the House of Representatives, which makes everything we are doing right now largely symbolic. This bill is not going anywhere.

But there seems to be people who are intent upon making some sort of statement, I guess, or trying to send some sort of a message. But the end result, if what they were trying to accomplish today were to become law, is we would raise gas prices because we are talking about a $2.4 billion increase in taxes on people who inevitably are going to pass it on. So why would we want to start raising gas prices at a time when we have historically high gas prices and people are already being pinched at the pump?

So we single out a specific industry. I have heard people get up today and say: Well, we voted for tax extenders last year, but you know what, they were part of a bigger package. We did not have to agree with all of it. Well, then, do not vote for it and, surely, have the debate then. Why were we not debating the issue last December? If people had issues with this, they should have been brought out then when we put this policy in place.

What, in effect, we are doing is singling out an industry and saying: We are going to punish you by changing the rules in the middle of the game because we do not like your industry or because we do not like this particular tax provision.

Well, we had a similar debate a few weeks ago. There was an effort to do something on oil and gas tax provisions. The argument that was made at the time, myself included, was why would we single out a specific industry? If we are going to do this, let's do this in a comprehensive way when we look at all types of policies, tax expenditures, favorable tax treatment that various industries in this country get, and let's examine them all together. Let's make some changes.

This is selectively singling out a specific industry and changing a tax policy in the middle of the year. There has been a statement made on the floor that people who get the benefit or the blenders credit do not want it. It strikes me at least, if they do not want it, they do not have to take it. They have to file for it. They have to file with the IRS. If they do not want the blenders credit, they do not have to take it. But most of the people who file for the blenders credit, it is assumed, are going to pass it on to the retailer, to the gas station, and ultimately to the consumer so it will result in lower prices.

Most of the refiners anyway are large, integrated oil companies that, frankly, do not want the competition that is represented by the ethanol industry. They do not have to take the blenders credit. They have to do something to get it. They have to file with the IRS in order to receive it.

One other point I wish to make, because there has been some talk as well about ethanol and the environmental benefits, there are certain States in the country that perhaps would like to have even higher standards. But if we compare ethanol to traditional gasoline, according to the EPA, in terms of greenhouse gas emissions—lifecycle greenhouse gas emissions—it is 20 percent lower, corn-based ethanol. When we get to cellulosic ethanol, which is the next generation of biofuels—if we

can get there, if we do not completely do away with the platform we have today with corn-based ethanol—it will have a 60-percent lifecycle greenhouse gas emission advantage over traditional gasoline.

So corn-based ethanol, 20 percent cleaner burning than traditional gasoline; cellulosic ethanol, 60 percent cleaner burning than gasoline. That is according to the Environmental Protection Agency, which does not take a particularly favorable view of these fuels because they like to include in their calculation types of elements, such as indirect land use in other countries around the world, which, frankly, we do not think ought to be part of the calculation, but even with that 20-percent cleaner burning than traditional gasoline for corn-based ethanol and 60 percent for cellulosic ethanol.

I wish to read, if I might, from a letter that I received from an organization called ACORE. That is the American Council on Renewable Energy. This organization is about 500 deep, represents about 500 other organizations; in some cases, American companies, universities, members such as Walmart, such as DuPont. This is what they say:

> Current domestic ethanol production is also laying the groundwork and infrastructure for the more advanced biofuels of the future including cellulosic ethanol, algae-derived fuels, and drop-in fuels. We have already crossed the threshold of these homegrown biofuels meeting a substantial portion of transportation fuel demand for cars and light duty trucks; but they cannot be further developed without the infrastructure investments that are fostered by current ethanol production today.

They go on to say that:

> The Thune-Klobuchar amendment ensures ethanol production will continue, while directing limited government resources to support infrastructure development and the transition to advanced biofuels.
>
> The ethanol tax credit has been critical to increased domestic ethanol production and corresponding economic growth, job creation, enhanced energy security and lower gas prices. We urge you to oppose the Coburn amendment, which would prematurely terminate support for our domestic ethanol industry while failing to invest in critical infrastructure and advanced biofuels. We ask for your support of the Thune-Klobuchar amendment.

The Thune-Klobuchar amendment—we are working with the Senator from California, Mrs. FEINSTEIN, the Senator from Oklahoma, Mr. COBURN, on a solution that would hopefully lead us to a result. It would do what many of the folks in this Chamber want to see done. It would do away completely with the blenders credit, effective July 1, and with the ethanol tariff. It would also put money back into debt reduction.

We think that is a better way to do this. I hope those discussions will lead somewhere. But this vote today is going to be a largely symbolic vote for reasons I just mentioned: It is unconstitutional. It will be blue-slipped in the House of Representatives and, therefore, it makes absolutely no sense for us to be having this vote in the first place. It certainly does not make any sense for us to be sending a message to this industry that we want to do away with it.

I understand my time has expired.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to speak in favor of the Feinstein amendment. I am a proud cosponsor of this proposal because it will save us money, reduce food prices and do so in a responsible manner.

Ethanol enjoys truly unprecedented support from the Federal Government. First there is the renewable fuels mandate that requires ethanol to be blended into gasoline.

Second, there is a 45-cent-per-gallon subsidy to blend ethanol into gasoline that is costing the Treasury nearly $6 billion per year.

Third, there is a 54-cent-per-gallon tariff on imported ethanol protecting the domestic industry from any serious competition.

And to top it all off the Federal Government spends billions every year to subsidize the growth of corn for ethanol.

In a time of fiscal constraint we simply cannot afford to prop up an industry with such enormous supports.

And these supports are not just costing taxpayers money, but they are also causing food prices to rise and harming our environment.

The USDA estimates that 40 percent of this year's corn crop will be used for ethanol. This is raising grain prices worldwide, especially hurting the needy.

For these reasons, the Feinstein amendment has the support of taxpayer rights groups, religious groups looking out for the needy, budget hawks concerned about our deficit, livestock growers who use grain as feed, the grocers and restaurants who are seeing food prices increase, and the environmental community who understand that corn ethanol requires enormous amounts of fossil fuels to be produced.

My support for the Feinstein amendment is not just because it is the right thing to do for our country and our Federal budget, but because it is the right thing to do for my home State. New Jersey has over 120,000 flex fuel vehicles, but does not have a single E85 ethanol pump in the entire State. 120,000 cars that are built to allow automakers to game fuel economy standards but may never see a drop of E85 fuel.

I know that this issue is important to our friends in the Midwest, but ethanol producers already have a guaranteed market for their product as a result of the Federal mandate. Now we have an opportunity to help families across the country by ending this failed ethanol policy and providing relief both in terms of their taxes and their food prices.

For these reasons, I will be voting in favor of the Feinstein Amendment and urge my colleagues to do the same.

I also think this vote is important for the larger debate over the deficit.

Our friends on the other side of the aisle have said revenues cannot be a part of the strategy to reduce the deficit. I think this vote and the one earlier this week in which 34 Republicans voted to end these wasteful ethanol tax breaks show there is bipartisan support for cutting wasteful tax subsidies and loopholes and that these revenue expenditures must be part of any solution on the deficit.

As I speak about that, let me end on another item I think should be on the table, one I have been promoting. The first place to start in terms of tax expenditures is oil subsidies.

A bipartisan majority of 52 Senators voted recently to end these tax breaks. If these 34 Republicans come into the fold, we could work together to make some real progress. Oil companies do not need these subsidies—I am talking about the big five—with oil trading at nearly $100 per barrel. They have all the incentive they need in the marketplace. But cutting these subsidies, we can cut the deficit by $21 billion. This year alone these companies are projected to earn up to $144 billion in profits—not proceeds but profits. If they can simply live with a mere $142 billion in profits, then they can do their share to reduce the deficit without raising gas prices.

It is time to come together across party lines and to end wasteful tax subsidies and lower the deficit. This vote is an important first step, and I think by doing so we will—notwithstanding the issues about blue slips and constitutional impediments—send a clear sense of the Senate that will move us in a direction that will end the ultimate subsidies and help us reduce the deficit. I think ending oil subsidies will get us on a path to a bipartisan solution that is critical for the Nation.

Mr. HATCH. Mr. President, I rise today in support of Senator MCCAIN's amendment to prohibit the use of Federal funds for the construction of ethanol blender pumps and ethanol storage facilities. My vote today is not a vote against ethanol as a transportation fuel. I strongly support the greater use of alternative transportation fuels and alternative-fuel filling stations in the United States. In certain cases, I have even advocated for government support of these goals. But government support for a source of energy should create a temporary boost, not a long-term Federal dependency. It is just as foolish to attempt to build an economy on subsidized energy as it is to build a house on the sand.

I have been criticized for opposing a Democratic proposal to raise taxes on domestic oil producer, but there is a difference in the size of the Grand Canyon between allowing oil companies to keep a portion of their own profits, which they use for more domestic energy production, versus handing out

very large amounts of taxpayer cash to ethanol companies. Ethanol companies not only have a lower tax rate than oil companies on average, they also benefit from the ethanol excise tax credit, from government handouts for ethanol filling infrastructure, a large Federal mandate forcing refineries to produce ethanol whether it makes economic sense or not, and an ethanol import tariff.

I cannot conceive of any justification for a program that hands out taxpayer funds for an activity as it does for ethanol blender pumps and storage facilities when it already has a Federal mandate forcing it into what used to be the free market. In my book, there is no greater subsidy than Federal mandate, and that alone is more than ethanol deserves.

I have supported broad-based incentives for alternative fuels in the past, but enough is enough, and in the case of ethanol, it is more than enough by far. Affordable energy is basic to a strong economy just as a healthy blood supply is basic to human life, and a long-term handout is no substitute for affordability.

I will continue to support reducing our dependency on foreign oil by increasing domestic energy production, increasing the efficiency of our transportation sector, and increasing the diversity of our transportation fuels. But those goals should focus on energy sources that can compete in the free market. Reliance on noncompetitive energy sources will only drag down our economy.

Mr. President, I urge my colleagues to support more competitive America by voting for Senator MCCAIN's amendment.

Ms. COLLINS. Mr. President, I am pleased to join Senators FEINSTEIN and COBURN supporting an amendment to repeal the ethanol excise tax credit and the ethanol import tariff. These policies are fiscally irresponsible, environmentally unwise, and economically indefensible. Today we have another opportunity to take action to end them.

Historically, our government has helped a product compete in one of three ways: we subsidize it, we protect it from competition, or we require its use. Right now, ethanol may be the only product receiving all three forms of support.

The ethanol tax break is extraordinarily expensive. The Government Accountability Office has found that the tax credit costs American taxpayers a staggering $6 billion annually. This is quite a sum to prop up a fuel that is causing land conversion for corn production, commodity and food prices to rise, and is barely putting a dent in our Nation's dependence on foreign oil. With our amendment, we have the opportunity to immediately save American taxpayers nearly $3 billion for the remainder of 2011 alone.

Ethanol use is mandated under the renewable fuels standard, RFS, which guarantees market for corn ethanol. Collectively, the first generation biofuels industry will receive tens of billions in unnecessary subsidies through the year 2022. If the current subsidy were allowed to continue for five years, the Federal Treasury would pay oil companies at least $31 billion to use 69 billion gallons of corn based ethanol that the RFS already requires them to use. We simply cannot afford to pay the oil industry for following the law.

The data overwhelmingly demonstrate that the costs of the current ethanol subsidies and tariffs far outweigh their benefits. Just last summer, the Center for Agricultural and Rural Development at Iowa State University estimated that a 1-year extension of the ethanol subsidy and tariff would lead to only 427 additional direct domestic jobs at a cost of almost $6 billion, or roughly $14 million of taxpayer money per job.

While expanding our capacity to generate alternative, domestic fuel sources is an important step toward becoming less dependent on foreign oil, I have serious concerns about the effects of increased ethanol use. There are other alternative sources of energy that make far more sense.

The energy, agricultural, and automotive sectors are already struggling to adapt to the existing ethanol mandates. I have concerns with the partial waiver issued by the Environmental Protection Agency for the use of E15, a blend of gasoline containing 15 percent ethanol. Many residents in my state have already experienced difficulties using gasoline blended with just 10 percent ethanol, finding that it causes problems in older cars, snowmobiles, boats, and lawn mowers. The EPA's E15 waiver fails to adequately protect against misfueling and will add unnecessary confusion at the gas pump for consumers. We simply cannot place so many engines in jeopardy.

These first generation biofuel mandates also present environmental concerns as they could result in energy efficiency losses and increased air pollution because the mechanical failures can jeopardize the effectiveness of engine emission controls.

Over recent years, we have also seen food and feed prices increase as crops have been diverted for the production of corn-based ethanol. We should be raising food crops for food, not for fuel. Senate Homeland Security Committee chairman JOE LIEBERMAN and I held a series of hearings in 2008 to examine the impact of corn based ethanol on food prices and we found that it certainly had a negative impact.

The cost of this policy to our Nation and its taxpayers, particularly given our current fiscal crisis, can no longer be ignored. At a time when we are projecting a deficit this year alone of $1.5 trillion, how can we justify spending $6 billion to subsidize ethanol?

I urge my colleagues, especially those who questioned the process used to bring an identical amendment to the floor just a couple days ago, to join me today in supporting the Feinstein-Coburn amendment to repeal these fiscally indefensible corn-based ethanol subsidies.

Ms. MIKULSKI. Mr. President, I rise in favor of ending lavish and unneeded ethanol subsidies. This is the second opportunity that my colleagues and I have to end unnecessary subsidies to one of the most profitable and wealthy industries in the world. In May, I voted to end $2 billion a year in tax breaks to the five biggest oil companies that made more than $36 billion in profits in the first 3 months of 2011. And today I will vote to end $6 billion a year subsidies for ethanol blenders.

While the Nation is facing record deficits and families and businesses in Maryland are getting crushed with high gas, corn and food prices, ending $6 billion a year in tax breaks for ethanol producers is a no-brainer. The numbers speak for themselves. This subsidy doesn't help the chicken farmers on the eastern shore of Maryland who are paying corn costs that are three times higher than they were 5 years ago. It isn't making us less dependent on foreign oil. And it certainly isn't reducing the deficit. The only thing this subsidy is doing is padding the pockets of oil companies who blend ethanol. These companies don't need taxpayer help to survive—let alone thrive.

At a time when Congress is considering devastating cuts to FIRE grants for our first responders, home heating oil assistance for seniors, and nutritious foods for pregnant women and newborns, it makes no sense to preserve a $6 billion a year tax break for an industry that doesn't need it. If we are serious about the deficit, we have to make smart decisions, Ending these subsidies is a long overdue answer to getting this country back on track to fiscal sanity, and not in a way that hurts middle class families or traditional industries in Maryland.

Ethanol blenders have hit the trifecta of government support. First, the law requires that ethanol be used in gasoline. Second, blenders get a 45-cent-per-gallon tax credit. And third, it is protected by a tariff which discourages the import of cheaper, more efficient, and more environmentally sound types of ethanol. The Feinstein amendment does not change the requirement that ethanol be used in gasoline. It simply ends the unneeded and lavish subsidy to oil companies that blend the ethanol.

It is time to stop filling up oil industry profits while draining taxpayer's wallets. Ending these subsidies will right a wrong in the tax code and ensure that middle class families aren't on the hook for more giveaways. Let's pass this bill, end these subsidies, and put our efforts into additional ways to reduce the deficit.

Mr. LEVIN. Mr. President, I will vote to oppose both the amendments offered today.

I share many of the concerns of Senator FEINSTEIN and others in this body about the impact of the volumetric ethanol excise tax credit. I am particularly concerned that this credit may increase the price that Americans pay for food, something few families can afford these days.

But I cannot support Senator FEINSTEIN's amendment, for three reasons.

First, I fear that her amendment, while addressing tax credits for corn-based ethanol, would also remove support for other, non-corn sources. While I applaud Senator FEINSTEIN for maintaining support for cellulosic ethanol production, we should not reduce support for other non-corn sources that have potential to help reduce our dependence on imported oil without affecting food prices. For example, companies in my state and elsewhere are working on production of biofuels from algae. I believe any attempt to address tax credits for corn-based ethanol should leave intact support for these non-corn sources.

Second, I fear that ending this credit now, more than 6 months before it is set to expire, would unfairly burden business that have made plans with the assumption that the credit would remain in place at least until then. These businesses have a right to expect that Congress will not pull the rug out from under them.

Third, I am concerned that by attaching this amendment to an important piece of legislation, we endanger passage of that legislation. I support the underlying bill, which would reauthorize the Economic Development Administration. The EDA is an important resource for communities across the country, and at a time when jobs should be our top priority, we should support programs with proven records of job creation. But by attaching a revenue measure to EDA bill, the House will almost certainly ''blue slip'' the bill and thereby doom it.

I also will oppose the amendment offered by Senator MCCAIN. I believe that we should support the creation of infrastructure that will support alternative energy development. By prohibiting Federal funding for creating infrastructure to support ethanol production and use—including cellulosic ethanol and other non-corn sources—Senator MCCAIN's amendment would make it more difficult for us to develop these new sources of energy, sources we need to end our dependence on imported fossil fuels.

Mr. JOHNSON of South Dakota. Mr. President, I rise today to discuss two amendments to the underlying bill: amendment No. 411 offered by Senator MCCAIN and amendment No. 476 offered by Senators FEINSTEIN and COBURN.

I oppose these amendments. Abruptly pulling support for ethanol, as these amendments attempt to do, runs counter to vital efforts to reduce dependence on foreign oil. The ethanol industry supports over 400,000 American jobs, offers consumers a choice at the pump, lowers fuel prices, and displaces millions of gallons of foreign oil with a homegrown alternative.

Amendment No. 476, offered by Senators FEINSTEIN and COBURN, would eliminate the blender tax credit for the use of ethanol and end the tariff on imported ethanol that ensures tax incentives are limited to domestically produced renewable fuels. Senator MCCAIN's amendment, No. 411, would block federal efforts to promote ethanol blender pumps or ethanol storage facilities. Last fall, Agriculture Secretary Vilsack announced a goal of installing 10,000 blender pumps nationwide over 5 years to help give consumers a choice at the pump. Senator MCCAIN's amendment would end this type of important initiative to promote renewable fuel infrastructure.

While I support responsible efforts to reform and significantly reduce the cost of tax incentives for ethanol, we must focus on developing our ethanol infrastructure that will facilitate the transition toward advanced biofuels and cellulosic ethanol. The renewable fuels industry, and ethanol in particular, has played an important role in addressing our energy needs. Our support of renewable fuels to date has brought us to a point where ethanol displaces millions of gallons of oil. Unfortunately, this amendment would not only hinder our existing ethanol industry, but it would also stall the development of the next generation of biofuels like cellulosic ethanol.

Ethanol also has been shown to reduce prices at the pump. A recent study by the Center for Agricultural and Rural Development, CARD, found that the increased use of ethanol reduced wholesale gasoline prices by an average of $0.89 per gallon in 2010. At a time when high fuel prices are having a detrimental impact of the budgets of millions of Americans, it is important that we not hastily take steps that will further increase those prices.

Rather than voting to abruptly end the current incentives for ethanol, I have worked with colleagues on an alternative proposal that would transition from the existing blender credit to targeted investments, while also reducing the deficit. This effort, led by Senators KLOBUCHAR and THUNE, would end the current form of the volumetric ethanol excise tax credit and redirect a portion of the estimated savings toward deficit reduction and the remaining toward renewable fuels infrastructure, a safeguard credit for ethanol should oil prices fall below certain points, and continued support for small producers and development of advanced biofuels.

I support efforts to reform incentives that promote our renewable fuels industry and reduce the deficit, but I oppose these amendments. I hope that my colleagues will continue to discuss further alternatives that ensure we continue to have a strong renewable fuels industry.

I yield the floor and 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. THUNE. 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. THUNE. Mr. President, I want to speak for a couple of minutes, until another speaker arrives on the other side. If I might, I want to elaborate on where these discussions are that we have been having with regard to getting a result and a solution that I think actually could get enacted and become law.

Since we first had this vote a couple days ago, I have been in conversations, along with Senator KLOBUCHAR from Minnesota, Senator COBURN, and Senator FEINSTEIN, the sponsors of this amendment, to see if there isn't some way we can find something we could actually do that would accomplish what probably many of them would like to see accomplished but doing it in a way that is not disruptive, that is a thoughtful approach to the future of the biofuels industry, and that actually does something meaningful in terms of dealing with the debt and deficit.

Those discussions continue. I think we continue to get closer and closer to an agreement. I hope my colleagues will continue to talk and discuss this matter. We will continue those discussions after the vote at 2 o'clock. I say that to let my colleagues know that even though this particular vote is going to amend a piece of legislation that perhaps isn't going to go anywhere—and certainly this amendment, because it is a blue slip and has a constitutional issue, isn't going to go anywhere—there are earnest discussions going on that I hope will yield a result.

Again, in my view, there is a better way to do this. Obviously, there are people who feel strongly and deeply, and we have heard the emotion of this debate over the last few days about this subject. But there is, in my view, a right way and wrong way to do this. The right way is to do it so that we are not pulling the rug out from under an industry after we already put in place policy that they have relied on in terms of their investment issues.

I hope we can get that agreement, and I certainly hope my colleagues will bear that in mind. There are a number of Members here who obviously are very supportive of the legislation that Senator KLOBUCHAR and I introduced earlier this week, and we heard Senator GRASSLEY speak to that point and others who are cosponsors.

We continue to work with the sponsors of the Coburn-Feinstein amendment to see if there isn't a path forward that will enable us to pass something through the Senate. I wanted to let my colleagues know that and apprise them of the status of those discussions. I hope we can come to a conclusion that will get a result and not

simply have a vote that ends up being largely symbolic. We will continue to have discussions, and I will continue to keep my colleagues apprised of the discussions.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 476, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent to modify the pending Feinstein amendment with the changes at the desk.

This modification is to correct a drafting error made by legislative counsel.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the end, add the following:

TITLE ____—ETHANOL SUBSIDIES AND TARIFF REPEAL

SEC. __01. SHORT TITLE.

This title may be cited as the ''Ethanol Subsidy and Tariff Repeal Act''.

SEC. __02. REPEAL OF VEETC.

(a) ELIMINATION OF EXCISE TAX CREDIT OR PAYMENT.—

(1) Section 6426(b)(6) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2011'' and inserting ''the later of June 30, 2011, or the date of the enactment of the Ethanol Subsidy and Tariff Repeal Act)''.

(2) Section 6427(e)(6)(A) of such Code is amended by striking ''December 31, 2011'' and inserting ''the later of June 30, 2011, or the date of the enactment the Ethanol Subsidy and Tariff Repeal Act''.

(b) ELIMINATION OF INCOME TAX CREDIT.—The table contained in section 40(h)(2) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''2011'' and inserting ''the later of June 30, 2011, or the date of the enactment of the Ethanol Subsidy and Tariff Repeal Act'', and

(2) by adding at the end the following:

''After such date ..... zero zero''.

(c) REPEAL OF DEADWOOD.—

(1) Section 40(h) of the Internal Revenue Code of 1986 is amended by striking paragraph (3).

(2) Section 6426(b)(2) of such Code is amended by striking subparagraph (C).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any sale, use, or removal for any period after the later of June 30, 2011, or the date of the enactment of the Act.

SEC. __03. REMOVAL OF TARIFFS ON ETHANOL.

(a) DUTY-FREE TREATMENT.—Chapter 98 of the Harmonized Tariff Schedule of the United States is amended by adding at the end the following new subchapter:

''SUBCHAPTER XXIII

Alternative Fuels

Heading/ Sub-heading	Article Description	Rates of Duty		
		1		2
		General	Special	
9823.01.01	Ethyl alcohol (provided for in subheadings 2207.10.60 and 2207.20) or any mixture containing such ethyl alcohol (provided for in heading 2710 or 3824) if such ethyl alcohol or mixture is to be used as a fuel or in producing a mixture of gasoline and alcohol, a mixture of a special fuel and alcohol, or any other mixture to be used as fuel (including motor fuel provided for in subheading 2710.11.15, 2710.19.15 or 2710.19.21), or is suitable for any such uses	Free	Free	20%''.

(b) CONFORMING AMENDMENTS.—Subchapter I of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking heading 9901.00.50; and

(2) by striking U.S. notes 2 and 3.

(c) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the later of June 30, 2011, or the date of the enactment of this Act.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the Feinstein-Coburn amendment No. 476, as modified.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Under the previous order, the amendment requires 60 votes for its adoption.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. SANDERS). The result was announced—yeas 73, nays 27, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—73

Akaka	Cantwell	Graham
Alexander	Cardin	Hagan
Ayotte	Carper	Hatch
Barrasso	Coburn	Heller
Baucus	Collins	Hutchison
Begich	Coons	Inhofe
Bennet	Corker	Inouye
Bingaman	Cornyn	Isakson
Blumenthal	Crapo	Johnson (WI)
Boozman	DeMint	Kerry
Boxer	Enzi	Kyl
Brown (MA)	Feinstein	Landrieu
Burr	Gillibrand	Lautenberg
Leahy	Paul	Snowe
Lee	Pryor	Tester
Lieberman	Reed	Toomey
Manchin	Reid	Udall (CO)
McCain	Risch	Udall (NM)
McConnell	Rockefeller	Vitter
Menendez	Rubio	Warner
Merkley	Sanders	Webb
Mikulski	Schumer	Whitehouse
Murkowski	Sessions	Wyden
Murray	Shaheen	
Nelson (FL)	Shelby	

NAYS—27

Blunt	Grassley	Lugar
Brown (OH)	Harkin	McCaskill
Casey	Hoeven	Moran
Chambliss	Johanns	Nelson (NE)
Coats	Johnson (SD)	Portman
Cochran	Kirk	Roberts
Conrad	Klobuchar	Stabenow
Durbin	Kohl	Thune
Franken	Levin	Wicker

The PRESIDING OFFICER. On this vote, the yeas are 73, the nays are 27. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

VOTE ON AMENDMENT NO. 411

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the McCain amendment No. 411.

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Under the previous order, this amendment will require 60 votes.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 41, nays 59, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—41

Alexander	Enzi	Murkowski
Ayotte	Graham	Paul
Barrasso	Hatch	Portman
Blumenthal	Heller	Risch
Boozman	Hutchison	Rockefeller
Brown (MA)	Inhofe	Rubio
Burr	Isakson	Sessions
Chambliss	Johnson (WI)	Shelby
Coburn	Kyl	Snowe
Collins	Lee	Toomey
Corker	Lieberman	Vitter
Cornyn	Manchin	Webb
Crapo	McCain	Wicker
DeMint	McConnell	

NAYS—59

Akaka	Grassley	Moran
Baucus	Hagan	Murray
Begich	Harkin	Nelson (NE)
Bennet	Hoeven	Nelson (FL)
Bingaman	Inouye	Pryor
Blunt	Johanns	Reed
Boxer	Johnson (SD)	Reid
Brown (OH)	Kerry	Roberts
Cantwell	Kirk	Sanders
Cardin	Klobuchar	Schumer
Carper	Kohl	Shaheen
Casey	Landrieu	Stabenow
Coats	Lautenberg	Tester
Cochran	Leahy	Thune
Conrad	Levin	Udall (CO)
Coons	Lugar	Udall (NM)
Durbin	McCaskill	Warner
Feinstein	Menendez	Whitehouse
Franken	Merkley	Wyden
Gillibrand	Mikulski	

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 59. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Under the previous order, the motions to reconsider the previous two votes are considered made and laid upon the table.

The majority leader.

Mr. REID. There will be no more rollcall votes this week. We will work on next week's schedule later today. I ask unanimous consent that the Senators from Massachusetts, Mr. KERRY and Mr. BROWN, be recognized for up to 10 minutes each, and following that time I be recognized.

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

The Senator from Massachusetts.

HOCKEY CHAMPIONSHIP

Mr. KERRY. Mr. President, before Mayor Menino ques the Duckboats for the victory parade on Saturday, I want to take a moment with my colleague on the Senate floor to celebrate an extraordinary victory by the Boston Bruins. After a grueling 39 years of so many ups and downs, heartbreaking misses and almosts, the Stanley Cup is coming back to Boston. That is thanks to the extraordinary grit of a special hockey team, a team that had remarkable character. I have to say—and I say this, I hope, cautiously because I know pride comes before a fall. Nevertheless, we in Massachusetts are blessed with an embarrassment of riches right now because last night's heart-stopping 7th game victory against the Vancouver Canucks is now allowing us to celebrate our seventh championship for our city in the last decade. Again, I know pride comes before the fall, but sweeping the Yankees a weekend ago and now winning this isn't too bad.

As a lifelong hockey fan and a guy who still tries to get around the rink occasionally when my hips allow me to do that, the Bruins' win last night was one of the sweetest ever. That is partly because it was in such a long time coming, but it is also because of the determination this team showed in getting there. Not since 1972 have the Bruins brought home a coveted Stanley Cup; and not since the 1970 championship of the legendary Bobby Orr's flying goal has there been so much for Boston hockey fans to cheer about.

This Boston Bruins team made history not just in the championship but in the way they got there. They are the first team in NHL history to win a game 7 three times in the same postseason. They did it with a kind of hard-nosed, selfless, remember-the-fundamentals, play the basics, gritty kind of teamwork that we in Boston admire so much.

During the Bruins' run to the championship, we got to witness a very special kind of pride and encouragement that came from our city. It was a black and gold Bruins jersey on the statue of Paul Revere, and before game 7 everybody got to see our injured forward, Nathan Horton, pouring a bottle of Boston water onto the Vancouver ice. This team couldn't and wouldn't lose at home, and last night Horton's magic water turned Vancouver into our home ice. Today all of New England is home to the world's champion, the Boston Bruins.

I have to say with last night's victory, yet another Bruin legend was born, goalie Tim Thomas. In seven spectacular games, again and again, Tim turned back Vancouver and held the Canucks to eight goals the entire series. In the final shutout, Tim had 37 saves. So it was more than appropriate that he was named the playoff's Most Valuable Player. I would say what Curt Schilling was to the 2004 Red Sox as Tim Thomas is to the Bruins today.

This Stanley Cup win is a victory for everyone in Massachusetts who has ever laced up a skate and braved the black ice on frozen ponds early in the morning, for every parent who has packed their kids into a minivan at 4 in the morning to get to practice. For everyone who remembers their heart skipping a beat when Bobby Orr sailed through the air in victory, for everyone who never stopped rooting for this team over a four-decade drought, we hear our own voices and the words of Tim Thomas last night when he proclaimed:

> You've been waiting for it a long time, but you've got it. You wanted it, you got it. We're bringing it home.

Just as it was for the Red Sox for a long time, some people said this day was never going to come. Just as it was for the Red Sox, and a curse that we no longer hear much about, some even blamed fate for the drought. But after last night, Mr. President, Boston proved once again: Never underestimate an underdog. So, final score: Bruins 1, Fate, 0.

I am proud to offer my congratulations to the Bruins players, the coaches, and the front office for a great series, for a great season, and for being great champions. This team never quit. They never lost focus. They believed in themselves as individuals. Above all, they believed in themselves as a team. So we cannot wait for Saturday when we will see the city of Boston's reflection in the polished silver and nickel of Lord Stanley's Cup. Welcome back to Boston.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I am honored to be able to speak as well with my friend and colleague, Senator KERRY, to celebrate this victory. I was 11 years old when it last happened. I come to the floor to recognize the Boston Bruins and their thrilling season and 4–0 victory in game 7 over Vancouver in the Stanley Cup finals.

I enjoy not being an avid skater like Senator KERRY. I am amazed at the way they go all out and then just slam each other up against the boards and actually get up. I find that amazing. Obviously, they are bringing the Cup back, as Senator KERRY said, for the first time since 1972.

We actually have a couple of Boston fans with us today. As my colleagues know, it is also the home of the Beanpot tournament and some of the best college hockey in the country.

The Bruins made history last night by becoming the first team in the NHL to win three deciding game 7s in a single playoff run, twice rebounding from being down two games to none. For Bruins fans, including myself and everybody I was with last night, we were very excited about the victories over the rivals from Montreal and then Philadelphia, Tampa, and finally Vancouver. It made for a memorable month.

Being the big underdog before the series began, the Bruins played inspired hockey to win Lord Stanley's Cup, and they did it as a team. They played outstanding defense against one of the best offensive teams in the NHL. Bostonians will never ever forget the sight of Captain Chara standing 6 feet 9 inches tall, which I find truly amazing, accepting the Stanley Cup and lifting it high above the ice. Chara led the incredible defensive effort in that series.

It was also an unforgettable moment for NHL veteran Mark Recchi. Playing in his final NHL game last night, Recchi capped a great career the way most professional hockey players can only dream about—with the Stanley Cup in his hands moving around the ice. Last night, he said it was one of the best groups of players he has ever played with. For those of us who watched, we can attest that it was one fun team to watch. It was a lot of fun. Everyone was so excited, regardless of whether they were a Bruins fan, just to see the intensity with which the series was played.

It was a mixture of youth and experience, hard physical play and great scoring touch that helped put together this run. Brad Marchand, a Bruins rookie, has become a household name also with hockey fans after scoring an impressive 11 goals throughout the playoffs, setting the record for the most playoff goals by a Boston rookie and tying for second most in NHL history.

Patrice Bergeron, coming back from an injury that cost him two games earlier in the playoffs, scored the first goal in game 7 that set the tone. As Senator KERRY said, our clutch goalie, Tim Thomas, took home the Conn Smythe Trophy as the most valuable player during the playoffs. I didn't know a body could move like that, quite frankly. He was the consummate professional, literally unbeatable, with shutouts in games 4 and 7.

Behind the bench, as my colleagues know, Coach Claude Julien led the ''Bs'' with quiet confidence, even as his team faced daunting deficits and the devastating loss of forward Nathan Horton in game 3 of the Cup finals. The home team had won each of the first three games, so while he couldn't play, Horton was there to, as was referenced, take some Boston water and put it on the ice to make it our home ice. This is vindication for team president Cam

Neely, a Bruins great for so many years; Peter Chiarelli, the general manager who put this great team together; and owner Jeremy Jacobs and his team as well.

With the Bruins' Stanley Cup victory, the city of Boston can, in a classy manner, celebrate this victory, as we have done before. As Senator KERRY also pointed out, we are very blessed in Massachusetts and in New England to have the Patriots, Red Sox, and Celtics to round out a decade that includes many world championships. Upon the arrival of the Stanley Cup in Boston today, the Bay State has hosted all four major championship trophies since 2005. As we all know, since 2002, the Patriots have won the Lombardi Trophy three times, the Red Sox have captured the World Series Trophy twice, and the Celtics have earned the O'Brien NBA Title Trophy once. That is an unprecedented run in sports history.

No longer left out, the Bruins can join a highly decorated group of teams that has never been matched. I didn't come down to the floor to brag about Boston's reputation as the home of the greatest champions in professional sports. No, I have to say that the evidence is pretty compelling on its own.

So with great pride as the junior Senator from Massachusetts, today I also honor the 2011 Boston Bruins for their remarkable season and commend them for their relentless pursuit of Lord Stanley's Cup. Another championship banner will hang from the rafters of the TD Bank Garden, and I am very optimistic it will not be the last one for Boston, the hub of hockey.

I thank the Chair.

I yield the floor.

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

Mr. KERRY. Madam President, before our time expires, listening to my colleague from Massachusetts, he reminded me about Captain Chara, the defenseman who raised the Stanley Cup last night, the tallest person ever to play in the National Hockey League. So that reminds me that, therefore, we are also making history because never has the Stanley Cup been held so high over the ice.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I am happy to be here to listen to my friends talk about hockey, and I will talk for just a minute about hockey. I was raised in the desert. When I came back as a Member of Congress, I wanted my boys to watch a hockey game. I wanted to watch one. I had never watched one. So we went to a hockey game. I tell my colleagues, it is a game you have to learn something about. For me, with no hockey experience, it was pretty difficult. They are on the ice just a few minutes and then off, back and forth, and it is hard to keep track of it. But I did have the opportunity twice to watch the great Gretzky and that was a great experience.

One of my most difficult, scary experiences of my life: There was a time when—well, they still do—Las Vegas had a minor league hockey team. I was asked to go out in the middle of that ice and drop a puck. I don't do very well, as demonstrated when a few weeks ago I slipped and fell and dislocated my shoulder on regular dirt. So to walk out on that ice was something that was frightening to me, and I have never forgotten that. So to have those men rushing up and down those rinks the way they do is truly astounding. My only heroism in hockey was my own heroism in convincing myself I should go out there.

Mr. President, our staffs have been working diligently for days now to find a path that would allow the Senate to complete action on the jobs bill which is now on the floor. They have worked so hard on this bill because it is legislation to reauthorize the successful Economic Development Administration, which has been so important to this country since 1965. It is not an Obama piece of legislation. It was started by Lyndon Johnson, and every President since then, Democratic and Republican, has wrapped their arms around this legislation because it is so good for our country.

The Economic Development Administration has created jobs where they are most needed—in economically distressed communities. In just the last 5 years, for $1.2 billion of investment, we have created 314,000 jobs. The merits of reauthorizing this job-creating administration are so very clear. EDA works with businesses, universities, and leaders at the local level, so it creates jobs from the bottom up. For every $1 we invest as a government, we get $7 in return. It helps manufacturers and producers compete in the global marketplace, and it is a great investment. Every $1 from EDA, as I have indicated, attracts $7 in private sector investment. That is a pretty good return.

Because of this agency's success and because each Senator is on record talking about the importance of creating jobs, including Senator BOXER in her capacity as the chair of that most important committee, the Environment and Public Works Committee, she has produced this bill. She has shown me statements by virtually every Senator in this Chamber about the merits of this bill—Democrats and Republicans alike. So this is the kind of bill that should pass on a bipartisan basis, if not unanimously, and it has passed in the past unanimously. In the past, that is what would have happened. We would have done this so quickly—but no more.

Now we find ourselves struggling just to bring it up for a vote. I heard the Republican leader this morning speak earlier about the state of play on the EDA bill. He said we have gotten this done. We have this to do and this to do and this to do.

Here is a brief review for our colleagues, so far, of what we have had on this bill. We have already had votes, again, on matters totally unrelated to this bill, including swipe fees, regulatory reform, ethanol—three votes on that. We have 70 amendments that have been filed. We have pending now a number of amendments relating to the debt limit, to Wall Street reform, health reform, Davis-Bacon, and 66 others that could be pending.

In addition, Senators have filed amendments that are related to immigration reform, the border fence, E-Verify, the estate tax, right-to-work laws, gainful employment regulation, a series of amendments dealing with endangered species, light bulbs and other energy-efficient provisions. There has been not a single amendment that has anything to do with this bill, not a single thing that is germane to this bill.

So I am going to continue to work with the Republican leader and hopefully find a way to complete action on this extremely important bill. But it seems, so far, to be a never-ending process. It is filibuster by amendment—amendment after amendment after amendment—amendments that have nothing to do with the legislation.

We can't continue this. This process has to end so we can pass this bill, let the private sector create jobs the American people need, and let the Senate move on to other pressing matters. I hope we can work something out, but in the meantime, I have no alternative as the leader of this Senate but to file cloture on this bill.

CLOTURE MOTION

Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that act, and for other purposes.

Harry Reid, Barbara Boxer, Frank R. Lautenberg, Thomas R. Carper, Sherrod Brown, Sheldon Whitehouse, Robert P. Casey, Jr., Christopher A. Coons, Jon Tester, Benjamin L. Cardin, Tom Udall, Jeanne Shaheen, Debbie Stabenow, Patty Murray, Kent Conrad, Richard J. Durbin, Joe Manchin III.

REIP ACT

Mr. CARDIN. Mr. President, today I rise to engage the Senator from South Dakota in a colloquy to discuss the Reduce Excessive Interest Payments Act, the REIP Act, which is a stand-alone bill that the junior Senator from Georgia and I introduced in March, and which we offered as an amendment, Senate Amendment No. 407, to S. 782, the pending legislation. The REIP Act protects homeowners from paying additional interest on their Federal Housing Administration-backed mortgages once they have repaid the loan's principal.

At present, FHA allows lenders to charge interest on a mortgagor's loan through the end of the month, even if the mortgagor pays the loan off at the beginning of the month, to cover the contractual obligation to pay investors in mortgage backed securities for the full month. Mortgagors with conventional mortgages or with Veterans Administration-backed mortgages stop accruing interest once the principal is repaid, despite there being a similar contractual obligation to pay such investors. I have deep concerns about the impact these excess interest payments have on FHA borrowers, who typically have limited resources, but may end up paying more interest on their loans than other borrowers. While some might argue that this is merely an issue of educating the borrowers to encourage them to repay their principal at the end of the month, I am skeptical about whether the FHA mortgagors, who often repay their loans through selling their homes or refinancing their mortgages, have much ability to choose the day on which their transaction closes and the principal is repaid.

I understand that the Banking Committee and the Department of Housing & Urban Development, HUD, are willing to work with Senator ISAKSON and me and our staffs to further understand this issue and make sure that FHA policies regarding interest charges protect borrowers to the extent possible. Is that right?

Mr. JOHNSON of South Dakota. Yes, that is correct. My understanding is that HUD has been working to determine the impact of a change in how interest is accrued on FHA loans and the Department is committed to working with the junior Senator from Maryland on this issue. At the Banking Committee, my staff and I will also continue to study the issue and work with the Senator's staff and various stakeholders to discern the impact that such a change would have on interest rates and on the mortgage-backed securities market. With help from the Department and the junior Senators from Maryland and Georgia, we will move this process forward to bring about the best outcome for FHA borrowers.

I want to assure the junior Senator from Maryland that I share his concern for FHA borrowers and am committed to pursuing policies that protect borrowers while also ensuring robust real estate and mortgage markets. I thank my colleague for bringing this issue to the attention of the Senate and I look forward to working with him.

Mr. CARDIN. I thank the distinguished Senator from South Dakota for his consideration, and I compliment him for the excellent work he has done thus far in working to strengthen the real estate market and the economy in general during the economic downturn. I am sure the Senator will be pleased to learn that HUD committed to me and my staff that it would deliver within the next 2 to 3 weeks an analysis of how many borrowers are affected by the current interest policy and are required to pay excess interest. The last data published are from 2000 to 2003 but indicate what is at stake. Total excess interest payments from that period, according to the National Association of Realtors, amounted to more than $1.3 billion. If hundreds of thousands of FHA borrowers could save hundreds of millions of dollars in excess interest payments each year, those savings could provide an economic stimulus in communities across the Nation that would not cost taxpayers anything. Additionally, in the next 60 to 90 days, HUD will complete a study on the impact of changing interest calculations on its systems, and those of large and small lenders, and share those results with the Banking Committee and me.

Mr. President, with these assurances and commitments from the chairman and from HUD firmly in place, I will withdraw the amendment I offered on behalf of myself and the junior senator from Georgia, Senate Amendment 407, at the appropriate time.

PRESIDENTIAL APPOINTMENT EFFICIENCY AND STREAMLINING ACT—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 75, S. 679, the Presidential appointment efficiency and streamlining bill.

The PRESIDING OFFICER. The motion to proceed is now pending.

Mr. REID. Madam President, before I leave the floor, I wish to say a word to and about my friend, the Senator from California. As I have indicated, she is the chair of this most important committee, the Environment and Public Works Committee, which I had the good fortune of chairing on two separate occasions. She has been tireless in bringing legislation to this floor—attempting to. She has been talking about this bill for months, about how good it is.

When she sat down and reminded me of the merits of this legislation, I thought: This should be a good one, a job-creating measure. We need that right now. I have been very disappointed that we haven't been able to move forward. But it is not because of any lack of effort on her part.

She and I came to Washington together many years ago and served together in the House of Representatives. She is my friend, but she is also one of the most outstanding legislators we have had in this body, bar none.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to a period of morning business until 6 p.m. this evening, with Senators permitted to speak for up to 10 minutes each during that time.

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

The Senator from California.

ECONOMIC DEVELOPMENT REVITALIZATION BILL

Mrs. BOXER. Madam President, I want to thank the Senator from Nevada, my friend, the majority leader, Senator REID, for his remarks, And I want to thank him for filing cloture on the EDA bill. He said the Economic Development Administration was started by Richard Nixon. Actually it was continued by Richard Nixon. It was started by Lyndon Johnson in 1965 and supported by Presidents whether they were Republican, Democrat, liberal, moderate, or conservative.

Congress has supported this legislation. The last time the EDA was authorized, it was authorized by a voice vote in the Senate when George W. Bush was President and he signed it into law.

So one has to ask one's self: Why do we find ourselves in the middle of a filibuster? Why do we find ourselves with 91 amendments filed to this little bill that takes a $500 million authorization and, because of the effect it has on the private sector, draws in private sector matching funds 7 to 1 and means it is a $3 billion a year, basically, jobs bill? This is a jobs bill. Every Republican and every Democrat I know around here says: jobs, jobs, jobs. But they are killing another jobs bill. I think the American people have to understand, this list of amendments that has been filed—Senator REID went through a few of them. There is even one that relates to the prairie chicken. With all due respect, there may be a lot of issues surrounding the prairie chicken, but it has nothing to do with an Economic Development Act bill.

It goes on and on. It talks about protecting free choice for workers to refrain from participating in labor unions. This sounds familiar from a Governor from the Midwest. It talks about amending the Unfunded Mandates Reform Act.

Let's face it, we were not born yesterday. I wish I were, but I was not. The fact is—the print on this list is too small to even show up on the screen—we have a three-page list of amendments. We have 91 amendments filed to this bill—which is a jobs bill, which is a simple bill to reauthorize the Economic Development Administration's programs.

EDA is a great job creator. In our committee, every single Democrat and Republican, save one individual, voted for this bill. So it is bipartisan. It has been supported by Presidents since Lyndon Johnson. It has created, over time, millions of jobs. We know this particular bill, at its current funding level, would support up to 200,000 jobs a year or up to a million jobs over 5 years. And they are good jobs.

How does that happen? Because the EDA goes into local communities that have high unemployment rates. They bring together the local governments,

the State government, the private sector, the nonprofits, and they say: What do you want to do here to attract industry, to attract consumers here? What do you want to do to rehabilitate this community?

Sometimes they say: We need a new road. We need a new water project. We want to build an industrial park for new businesses. And this is what EDA does. So they are locally controlled ideas and a coming together of the Federal Government, the local government, the State government, and the nonprofits in a beautiful package that has resulted in millions of jobs over time since it started.

Here is what I want to say today as I go through my statement. The first thing I want to say is, we know what the other side is doing. They are killing these jobs bills by a frivolous list of amendment after amendment after amendment that has nothing to do with the bill.

This is not the first time. In this very spot, a few weeks ago, stood another Senator with a southern accent, MARY LANDRIEU from Louisiana. She is the chairman of the Small Business Committee. She had a fantastic bill called SBIR. It is a small business innovation research program that has been in place since the 1980s, brought to us by a Republican Senator named Warren Rudman.

Again, it is a bill that has always been without controversy. What did they do to that bill, my Republican friends? Death by filibuster, death by amendment, kill that jobs bill right here on the floor.

If you put that in the context of everything the Republicans have done since they picked up more seats around here, and they took over the House, here is the list: They still have not appointed conferees to the FAA, Federal Aviation Administration, bill conference. That bill will create 280,000 jobs. It modernizes our airports. It gets rid of the old ways we track planes and brings our air traffic control system into the 21st century.

Senator ROCKEFELLER has worked so hard. It is sitting over there waiting for conferees. I am a conferee here on this side. I am waiting to go get this bill done. It is essential. It has a passenger bill of rights attached to it, which is so important. It will make sure our systems work properly. It will put in place safety features. Jobs, jobs, and jobs. They have not done a thing.

The patent bill. I had some problems with the patent bill because I did not like one or two provisions. But the bottom line is, the patent bill is expected to create 300,000 jobs. It is sitting over in the House. No action. So since they took over, they have passed a bill to destroy Medicare, destroy education—it is known as their budget. But when it comes to jobs, there is no beef. And we are perplexed.

This bill has attached to it—the EDA bill—now an ending of the ethanol subsidy. I happened to vote for that. The fact of the matter is, whether you supported it or you did not, it is going to save billions. So now the EDA bill is not only a jobs bill that leverages billions of dollars to create jobs from the private sector, but it reduces the deficit because it has this amendment on ethanol.

I would say to my friends who may be listening from their offices, when we come back next week, vote ''yes'' to cut off debate and get this bill done. Get this bill done.

I have talked about the fact that Senate Republicans have supported this program continually. I wish to tell you some of the things they have said about the EDA. Remember, I am quoting Senate Republicans who are trying to kill this bill by loading it up and filibustering it.

Twenty-six of the current Republican Senators have made positive statements about EDA or put out great press releases in their States, and I agree with what they said.

For example, Senator COCHRAN of Mississippi praised the EDA grant intended to help spur economic development in northeast Mississippi. He said:

> This region has suffered during the economic downturn, but the Three Rivers has been diligent about working to help create jobs. . . .

This is what he said about an EDA grant.

Senator CORNYN of Texas said a $2 million EDA grant for a water tower will ''pave the way for creation of new jobs and business opportunities'' in Palestine, TX.

But they are filibustering this bill.

Senator CRAPO says EDA business grants will help ''keep Idaho firms on the cutting edge in various fields. . . .'' He says:

> This can make Idaho firms successful, which translates into more jobs and revenue in Idaho.

So my Republican friends, while they are trying to kill this bill by filibuster, have said laudatory things about the EDA. You explain it to me. I think I have an answer as to why they are doing it. But I will continue.

Let's see what Senator WICKER said when he got a grant:

> These federal dollars will fund rail improvements and help bring new jobs and economic growth. . . . I am glad the federal government has taken this step to continue its investment in South Mississippi's recovery.

These are all the Republicans who are killing this bill with a filibuster.

Senator COLLINS—a $1.1 million grant to fund renovations at Loring Development Authority. She and Senator SNOWE praised the EDA. They said:

> This investment by EDA will allow for improvements and upgrades . . . which in turn, will help encourage further business growth. Loring will continue to be an economic driver for the region, creating good jobs in Aroostook County.

This is just a small sample of more than 26 Republican Senators who have praised the EDA. Yet each one of them seems to be supporting endless debate, amendments that have nothing to do with the bill. But they all have a chance to do the right thing on Tuesday and vote to cut off debate.

We have had some tough amendments to this bill already. It has gone a couple of weeks. It is time we had a clean vote because—guess what—jobs are what it is all about.

I am going to not go on too much longer, but I felt it is important to explain to the American people—who, by the way, give Congress an 18-percent positive rating. Hello. Is it no wonder? We are doing nothing about jobs. Every time we try to do something, it is stymied.

I laid out what they have done, the Republicans. End Medicare as we know it. By the way, pass a slew of abortion bills. It is unbelievable to me. And these straightforward jobs bills go nowhere. So do not tell me you are for jobs and then come down to this floor and offer amendment after amendment on the prairie chicken, on the border fence, on issue after issue that has nothing to do with this EDA bill.

EDA creates a job for every $3,000 invested. That is incredibly good. We invest $3,000 and a good-paying job comes about. Why? Because the matching funds come in.

This is the time we have a chance to create 200,000 jobs a year over the 5 years of this bill. So here is the thing. Again, we need, in these tough times, as we are going to get our arms around this deficit—and here is the thing I find interesting: There is lots of talk about how to cure the deficit from the other side. But they forget some of the easiest ways to do it. One is, say to billionaires: Thank you very much. You have gotten millions back a year. Let's go back to your rate that you had when Bill Clinton was President. You made a fortune then. You will still make a fortune and help out with this deficit, millionaires and billionaires.

Oh, they do not want to do that, our friends on the other side. They want to destroy the EPA. They want to destroy the Department of Energy. They want to destroy the Department of Education. They want to destroy Medicare. That is their answer. Why? To pay for tax cuts for the richest of the richest of the richest. Explain to me how that helps the middle class in this great Nation.

Another way. You want to cure the deficit and the debt? End the wars. End the combat mission. Bring home the troops. Let's work diplomatically in Iraq and Afghanistan. I met with the Afghanistan women who are struggling there. They do not want combat troops. They want help to get a peace and reconciliation process going. It is time to end the wars.

Our highway trust fund, which is so critical, is short $6 billion. And it is difficult. That is the trust fund that pays for the highways, for the bridges that are falling down, for the infrastructure improvements for our transportation system. And I know it is hard to find $6 billion.

But we are spending $12 billion a month on the wars in Afghanistan and Iraq. Bring the money home. It is time we spend it in this country for our people. We are not going to walk away from our responsibility. We are still going to have the counterterrorism going on. We are still going to protect our personnel who are there. We are still going to work for peace and reconciliation.

But you want to talk about the ways to cure this deficit, it is not that hard. We did it before, we can do it again. The Democrats balanced the budget under Bill Clinton—the only time it was done in recent history—and we created 23 million jobs, not by threatening Medicare and Social Security, and the Department of Education, and the EPA, and the Clean Air Act, and all of the things they are going after here, but by doing the right thing by our children and our grandchildren and making the right investment, to become energy independent.

So for me, the argument of not being able to do anything because of the deficit, something is wrong with that. You have to cure the deficit problem and make the investments that make sense. Here is an investment that makes sense. For every dollar of EDA investment, you get $7 in private sector investment. That is what we ought to be doing.

I said this before, I will say it again: For every one job we create, it costs us approximately $3,000 per job. These are good jobs. It is a smart program for us. That is why it has lasted since the 1960s. I said before, up to 200,000 jobs a year could be created here, 1 million jobs over the life of this bill. What are we doing loading down a beautiful bill such as this with all of these extraneous amendments?

We will look at a couple more charts. If you want to know how many jobs were created between 2005 and 2010, 450,000 jobs, and 85,000 jobs were saved. So we are not talking about some ethereal idea of a new jobs bill. This is a jobs bill that has worked, and it is a jobs bill that should not be filibustered. It should not be stalled. It should not be loaded up with things that have nothing to do with it while the American people worry and give us an 18-percent approval rating. I am surprised it is that high at the rate we are going.

Look at some of the folks who support this: the United States Conference of Mayors, the American Public Works Association, the National Association of Counties, the AFL–CIO, the Council on Competitiveness, the Association of University Research Parks, the National Association of Development Organizations, the National Business Incubation Association, the State Science and Technology Institute, and an arm of the Chamber of Commerce has come in with a letter.

I ask unanimous consent that this letter be printed in the RECORD.

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

JUNE 7, 2011.

Hon. BARBARA BOXER,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BOXER: I am writing to share with you the U.S. Chamber of Commerce Business Civic Leadership Center (BCLC)'s positive experience in working with the Economic Development Administration (EDA). BCLC has worked with EDA on numerous projects over the past ten years to help local communities with their economic development, regional sustainability, and disaster recovery initiatives. EDA has served as a valuable partner in many communities that BCLC has worked in including: San Jose, CA, Seattle, WA, Cedar Rapids, IA, Mobile, AL, New Orleans, LA, Atlanta, GA, Boca Raton, FL, Minneapolis, MN, Newark, NJ and many others.

We have worked with EDA on projects including:

Conducting regional forums designed to bring corporate contributions professionals together with economic development experts and civic sector innovators to discuss how businesses' corporate citizenship practices can advance the competitiveness and long-term development of their communities.

Providing opportunities to build up relationships between and among companies and government agencies at the local and national levels.

Developing a report that maps how and why companies invest in communities across the United States.

Writing a report on economic recovery and rebuilding in Cedar Rapids after the flooding in 2008.

Sending economic development teams to cities across the Gulf Coast to provide valuable oil spill recovery resources and information.

Working with local chambers of commerce in disaster affected areas regions to provide local recovery grants.

BCLC is the corporate citizenship arm of the U.S. Chamber of Commerce, and in this capacity we work with thousands of businesses and local chambers of commerce on community development and disaster recovery issues across the country. These local chambers and businesses are consistently looking for national best practices, lessons learned, technical assistance, planning and strategy support, and other insights, tools, and techniques to make their communities as economically competitive as possible.

In our experience, EDA staff members have displayed a high degree of professionalism and technical expertise. They have engaged with us on multiple levels, from consultations at the national level, to sharing valuable field experience at the state and local levels.

We have canvassed many businesses and local chambers about their community development needs, and they almost unanimously tell us that some of their highest local priorities include business recruitment and retention, and helping small and medium-sized businesses grow. They also tell us that support for regional economic development planning that transcends municipal boundaries is an increasing area of interest, and that this is a unique capability that EDA can and does support.

As you consider EDA's future roles and responsibilities, we would be happy to share with you our experiences and lessons learned in working with the agency, and to provide you with additional information upon request.

Sincerely,

STEPHEN JORDAN,
Executive Director,
Business Civic Leadership Center.

Mrs. BOXER. It is a letter from an arm of the Chamber of Commerce. I will tell you, it is rare when you get the AFL–CIO and an arm of the Chamber of Commerce singing from the same book. They do not want to see filibusters. They want to see jobs. They do not want to see filibusters. They want to see progress. They want to see us work across party lines.

So I kept asking during my remarks, why would they do this to us? Why would they do this to the American people? I have an answer. I wish this were not true, but it has been stated by some of the Republican Presidential candidates and it has been stated by the Republican leader here: Their priority is defeating Barack Obama. Their priority is defeating our President. Their priority is not job creation, it is not business creation, it is not fair tax policy, it is defeating this President. When you look as it through that lens, then you say to yourself, wait a minute. If we got something done around here and the President had a signing ceremony—as we used to do in the good old days when we worked together—and he had a Republican here, a Democrat here, and an Independent there, and we all came together as we always have—unanimous consent. We passed this in 2004 by unanimous consent. They are afraid if we did that, the President would take out his pen and he would sign this bill and we would create jobs. I hate to say it, but I am not making it up. That is what they have said. I hope over this weekend when we go home and we meet with our people, and they say, Senators, you have got to do something about jobs, I hope the public will say to us, be we Democrats or Republicans: Do not filibuster jobs bills. We cannot afford to lose more jobs. We need to create jobs.

The EDA bill is a jobs bill. It was created as a jobs bill. It has been a jobs bill since 1965, signed by Presidents, passed by Congress, never loaded down with amendment after amendment that is not germane, that weighs it down. I hope the people at home will pay attention to this.

I will say this: There is a pattern. This is not the first bill. I told you about the small business bill, same thing; FAA bill, sitting over there, no conferees; patent bill, sitting over there, no action. And millions of jobs are at stake.

I just found this out about the small business bill that they killed here a few weeks ago. Each year that bill provides support for 6,000 businesses, and over the lifetime of the program it has provided almost 26,000 awards to firms in California to help them get started. That bill was filibustered to death. I do not get it, except if what I say is true and that is what the motivation is, and

all I can come up with. I have looked into the hearts of my friends and wondered how could they do this. They voted for this bill in committee. Why would they load it up like this and put all of these amendments on it? There is only one reason, to not make progress. And who gets hurt by that? They think the President.

But I have news for them. America is going to wake up, because I am going to be here every day talking about this. I know my colleagues are going to be here talking about it. Jobs, jobs, and jobs. I hope this bill gets cloture and we can move on with it on Tuesday. That would be a wonderful thing, if we do that. That is a change in the atmosphere. Then we can pass this bill and get on with the next jobs bill and pass that bill and get on to the next jobs bill, and the spirits of the people will be lifted. Look, we know government does not create the jobs. The private sector creates most of the jobs. But the beauty of bills such as the SBA bill, that small business bill, is private sector jobs. The beauty of this bill? Private sector jobs. So it would lift the spirits of the people instead of having them watch this, watch me, and think: They will never get together and do anything. Then I will not be shocked if our ratings—the Congress—hit the bottom of the barrel. They are already close. I hope the people will insist on our passing these jobs bills. Things are tough out there. People are unemployed, they are underemployed. Businesses are sitting on mounds of cash. They have learned to be able to be profitable without hiring more people.

Things are shifting. The sands are shifting between the middle class. Thank God this President rescued the auto industry and that we had a majority here to stand with him to do that. Thank goodness we took some of the steps that we took to get banks lending again when credit was frozen. But you know what. Our progress is being stymied because partisanship has taken over the process. Partisanship means when you get bills out of a committee, people who voted for them suddenly disappear. They are nowhere in sight, and they file all of these amendments to bring down the bill.

We can only hope that when we come back next week there will be a change of heart. I certainly hope so. I have been here a long time. I have been in the House 10 years, here a lot of years, since 1993. I have served with Republican Presidents and Democratic Presidents. But I want to say this. I fought hard when election time came. I just had one. It was tough. You know that, Madam President, 2010 was tough. Every time we have elections they are tough. That is the time that politics is in your blood, it is in your veins. You are out there, you are working hard, you are fighting for your life.

But when we are here, we have to do the people's business. And however we feel about who we want to be President, who we admire, who we did not admire, that ought to be left somewhere else. I hope it will be left somewhere else. I hope that on Tuesday we vote for cloture on this EDA bill. I would hate to see this die. I would hate to see this die. Because when you deal a death blow to the EDA, you deal a death blow to 1 million jobs.

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

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

SECOND OPINION

Mr. BARRASSO. I come to the floor today, as I do each week, as a doctor who practiced medicine in Wyoming for 25 years, as someone who has taken care of families all around the State of Wyoming, as a doctor who has great concerns about what has happened to the American health care system, and will continue to happen under the health care law that has been passed by this body and signed into law at the insistence of this President.

I come as a doctor giving a second opinion, because I have great concerns about this health care law. In talking with patients, in talking with doctors, and from my own personal knowledge, I believe this health care law is going to be bad for patients, bad for providers—the nurses and the doctors who take care of those patients—and bad for the payers, the taxpayers of this country who are going to be left to pay the bill.

Recently my friends on the other side of the aisle have been using what I believe to be significant scare tactics about my party and Medicare.

Medicare is the program for our senior citizens. I believe it is important that the American people receive the truth. They deserve to have the truth about the future of Medicare, not scare tactics.

The fact is, unless Congress takes action, Medicare will go broke in 13 years. Again, in 13 years, Medicare will go broke. Today, more money is going out than is coming in. A bankrupt Medicare equals no Medicare for our seniors. These are people who have paid into Medicare, but a bankrupt Medicare means no Medicare.

If Washington doesn't show leadership now—today, this year—this program will run out of money and Medicare patients will run out of care. Many of my friends on the other side of the aisle continue to ignore the ticking clock and ignore reality.

Let's take a look at some of the reality the other side is ignoring. They are ignoring the fact that the life expectancy in the United States has risen significantly since Medicare was signed into law. When Medicare became law, in 1965, the average life expectancy was about 70. So, on average, you are talking about people being on Medicare for a certain number of years. Now, with the advances of medicine, the life expectancy is almost 80—the high seventies for men, but the low eighties for women. People are living about 10 years longer now, on average, than at the time Medicare was signed into law in 1965. It is an undeniable fact.

Another fact is that there are about 10,000 new Medicare recipients adding to the rolls every day as the baby boomers turn 65. An entire generation of baby boomers is retiring. The other side seems to ignore the fact that there are far more retirees today than ever before, and they are getting more money paid out of the program than they ever put in. I have townhall meetings and I travel around my State of Wyoming. People say: I paid into Medicare. They are absolutely right. On average, a couple who is retiring this week has paid into Medicare about $110,000—that is over a lifetime of working. That is significant money they have paid in. What kinds of services will they receive over the remainder of their lifetime, adjusted for today's dollars? It is $343,000. So you are talking about $109,000 that they paid into the system, and they are taking out $343,000.

American seniors know Medicare is in trouble. They understand the math doesn't add up, that this $3 coming out for every $1 paid in cannot work forever and ever. My friends on the other side, who attack Republicans for wanting to address this problem in a responsible way, tend to want to ignore this reality.

To make matters worse, Members on the other side actually voted for a health care law that puts Medicare on an even faster track to bankruptcy. In fact, the President's health care law cuts $500 billion from Medicare—not to save or strengthen or secure Medicare for the next generation. No, they took $500 billion from our seniors on Medicare to start a whole new government program for someone else. So it was no surprise to me when I read recently that those folks who look at the numbers, who work for the government, say Medicare is going to be broke 5 years sooner than even they had anticipated. It is odd how Democrats never even mention this when they attack Republican plans to save Medicare. Well, when they run advertisements and hold press conferences focused on scare tactics, why don't they ever explain their own $500 billion cut to Medicare?

It is also odd to me that the Democrats never talk about the other very significant piece of the President's health care law that attacks our seniors on Medicare. Hidden away in the bill is the President's Independent Payment Advisory Board, or IPAB. As a doctor who practiced medicine for 25 years in Casper, WY, I can tell you what this board is. It is a rationing board—a board to ration the health care of our seniors.

Rationing, some may say, is a very strong word. But that is exactly what

it is. The President's health care law puts Medicare on the road to rationing. This health care law creates an unelected, unaccountable board of Washington bureaucrats, who will decide how much Medicare pays for certain Medicare services.

Starting in 2014, after the next Presidential election, members of the board will decide how much they will reimburse hospitals and doctors for taking care of Medicare patients. Then providers all across this country will have to decide whether they can continue to care for American seniors.

Let's face it, even today doctors are running away from taking care of patients on Medicare. According to the American Medical Association, one in three primary care doctors already limits how many Medicare patients they are willing to see. According to the same survey of the American Medical Association, 60 percent of doctors say they are looking for ways to get out of Medicare completely.

Even more providers are going to stop seeing Medicare patients, and this situation will continue to get worse. If you don't believe me, ask seniors in your own community what happens when their doctor retires. Ask somebody on Medicare how easy it is for them to find a doctor to take care of them. If they happen to be with a doctor, and they turn 65, ask if they are allowed to stay with that doctor or if they move to another community to be closer to their children and grandchildren, ask them how difficult it is for those on Medicare to find a doctor. The reason is, of course, because Medicare pays a lot less than the going rate.

Yet, the Democrats' and the President's solution is to pay even a lower amount and continue to ration and ratchet down that amount, resulting significantly in additional rationing of care as our seniors find it harder and harder to find physicians and nurses to take care of them.

The other thing about this rationing board is that it gets worse when you look at the details. It will be practically impossible for this Congress—or any Congress—to overturn the rationing board's recommendations.

Again, to me it seems very odd that my friends on the other side don't talk about this rationing board when they hold their Medicare events. But as NANCY PELOSI said, first you have to pass it before you get to find out what is in it. The American people continue to find out what is in this health care law, and they continue to oppose it. I say to my colleagues on the other side of the aisle, if you are so proud of the work you have done on Medicare, then you should stand and defend this rationing board. My colleagues on the other side of the aisle should explain to American seniors how it will work and how it will impact their care. America deserves a thorough and honest debate about the future of Medicare, how we got to this point, and how we can, in a responsible way, strengthen and secure Medicare for those on Medicare and for the next generation.

I bring this to you today because today a new study came out in the New England Journal of Medicine. It has to do not with Medicare—a program for our seniors—but with Medicaid, a program for low-income people—specifically, in many cases, for children. The study from the New England Journal of Medicine today talks about how very difficult it is for people—specifically children—on Medicaid to even get an appointment to see a doctor.

During the health care debate over the last year, I have come to the floor continuously and talked about the fact that many physicians refuse to take patients on Medicaid, because the reimbursement from the government is lower than the cost of actually even treating the patient—considering rent, office expenses, and other costs.

This study out today in the New England Journal of Medicine talks about researchers in Chicago who called a number of doctors' offices with an identical voice, the same person calling—actually, the same office—a month apart with the same symptoms, whether it was for asthma or different conditions such as diabetes, for the child's care, and the question came: Do you have insurance or are you on Medicaid?

What they found is that for 89 percent of those with insurance, they were able to get an appointment—regular insurance. Of those saying, no, we have Medicaid—and they called hundreds and hundreds of offices and clinics—only one in three was able to get an appointment. Think about that. It is something for our seniors to think about, as well as the President's rationing board. It pays less and less for a visit to a doctor.

We have talked about the fact that Medicare rates, as a result of the $500 billion cut from Medicare, will be in many places similar to Medicaid rates. So I would assume that at some point soon seniors will have the exact same amount of trouble getting an appointment to see a physician, as the New England Journal of Medicine found today, for children on Medicaid.

With that, I say that I will continue to come to the Senate floor week after week with a doctor's second opinion about the health care law, because week after week we see new information, new relevant information about how the impact of this broad, sweeping law, significant changes for the health care of all Americans—how it is, in my opinion, bad for patients, bad for providers, the nurses and doctors who take care of them, and bad for taxpayers.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COONS. Mr. 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.

ETHANOL

Mr. COONS. Mr. President, I rise today to speak to the proceedings that just occurred in this body with regard to ethanol and to talk about how I see them from the perspective of my home State of Delaware.

Today, the Senate agreed on a path forward to end Federal subsidies for corn-based ethanol. As Senators, we are often asked to make tough choices, and the bipartisan votes on today's amendments were largely a reflection of where we are from.

For Delaware, agriculture is the single largest part of our economy. We grow a lot of corn, we grow a lot of soybeans, we have companies investing in advanced biofuels, and we have a major poultry industry. Today, I voted for Delaware's poultry growers and for our consumers. Lots of folks across this country in the last few years have lost their jobs, lost their homes, and lost their livelihoods. It is very important to me that the people of Delaware know, on the record, that the vote I cast today to end Federal subsidies for ethanol was about making sure we are supporting our home State poultry industry.

My main concerns are that one of the most important economic engines—not just in Delaware but in the whole Delmarva Peninsula—is the poultry industry. That industry has its back against the wall and is struggling to survive. At a time when many other agricultural industries are seeing record prices—and that is a positive, a boon for them—for the poultry industry, the rising cost of feed is forcing decades-old companies to rethink their business models or, sadly, as in one case just last week for one of the most important and vital poultry companies in Delaware, to shut their doors and go into bankruptcy.

We need to move away from corn-based ethanol and toward homegrown advanced biofuels if we are going to accomplish three goals at the same time. One is to reduce our deficit, to end unwise and unnecessary Federal spending; second is to support and advance and defend our poultry industry, whether in Delmarva or throughout the rest of the country; and third is to continue to make progress toward the future of clean, promising biofuels that are not from grain.

The amendment I just voted for closes the door on corn-based ethanol, but that should not prevent us from finding a path forward to advanced biofuels, those not from grain, whether cellulosic ethanol or drop-in biofuels from algae or otherwise.

Today, I also filed an amendment with Senator CARPER, the senior Senator from Delaware, that makes it clear that as we close the door on corn-based ethanol, we need to do two other things going forward: first, use those billions of dollars in savings to reduce the deficit and, second, redirect funds, formerly committed to VEETC, to support an important but just beginning, a nascent advanced biofuels industry.

Ultimately, the policies we pursue should lead to American consumers, producers, and farmers using less petroleum and, more importantly, using less oil from overseas sources. If we are going to reduce our dependence on fossil fuels and especially on those we import from overseas, we are going to need to continue to pursue a range of cleaner and more secure sources of energy. Advanced biofuels are central to this effort. Now that we have taken the important first step by adopting the Feinstein-Coburn amendment and signaling the intent of this body to end Federal subsidies to corn-based ethanol, I hope we will also responsibly pay down our Federal deficit and continue a strong path forward toward the advanced biofuels that Delawareans are making a significant contribution toward making a reality.

As my colleague from California has noted, corn-based ethanol has historically been supported by three policies: the volumetric ethanol excise tax credit, known as VEETC, which provides a 45 cent per gallon tax credit to gasoline suppliers who blend ethanol with gasoline; a tariff of 54 cents per gallon on imported ethanol, which is largely targeted at sugarcane ethanol from Brazil; and a requirement that mandates the use of ethanol in gasoline by set amounts every year, increasing to 36 billion gallons by 2022.

VEETC and the import tariff may have been needed in the past to stand up the nascent corn-based ethanol industry, but experts agree that the industry has matured, and these two supports are no longer needed.

At a time when our federal government is facing a massive deficit and spiraling debt, we need to take a hard look at how we spend our taxpayer dollars. These subsidies are expensive, and studies have shown them to have dramatic impacts on our federal budget as well as on the cost of corn feed used by chicken farmers, including those in Delaware. This year alone, VEETC will cost taxpayers $6 billion. We just can't afford to maintain this duplicative and wasteful subsidy.

Delaware's chicken farmers can't afford it either. Most economists and market analysts agree that the steady growth in ethanol demand has had a dramatic effect on the price of corn. This cost has trickled down to related agricultural markets, including food, feed, fuel, and land. The average annual price of corn has jumped 225 percent just in the past 5 years. Last week, corn futures reached nearly $8 a bushel, which is 140 percent over last year.

The No. 1 cost for chicken farmers is feed, and farmers in Delaware are feeling the pinch. One major poultry company declared bankruptcy last week, and it cited the high cost of corn feed as a major factor. Couple this with rising energy costs, trade barriers, and low chicken prices, and you can see why many poultry companies are nearing a breaking point.

Something must be done. The VEETC credit and the tariff are no longer worth the investment. It is past time that we repeal these subsidies, and I was proud to vote for the Feinstein-Coburn amendment to do so.

At the same time, let me be clear: the Feinstein-Coburn approach is only part of a larger effort. In addition to ending VEETC and the tariff, we must also do much more to promote investment in the research, development, and deployment of advanced biofuels, including cellulosic and drop-in biofuels. These will help us reduce our dependence on petroleum and encourage further innovation. We need to provide greater certainty to help launch a next-generation biofuels industry through the extension of tax credits and other federal programs for certain targeted advanced biofuels.

Many concerns are raised because corn ethanol dominates the U.S. biofuels market. But what is our ultimate goal? Shouldn't it be about greater fuel efficiency and product diversity in our domestic transportation sector? First, that can be achieved through increased fuel economy standards. Second, it can also come from technological alternatives like electrification, natural gas and hydrogen fueled vehicles. Third—and most important for what we are debating here today—it will come from developing commercially viable, advanced biofuels.

There are legitimate concerns about corn ethanol's economic and environmental impacts, but we should also not be cutting off our nose to spite our face. For this reason, I have filed an amendment that makes it clear that we should be redirecting the repeal of the VEETC to deficit reduction and the extension of advanced biofuels for 5 years to provide a long-term signal to this small but emerging industry.

I want to be part of a solution that provides a strong, long-term future for our Nation's alternative fuels industry. I want to see domestically produced, next-generation feedstocks grow. This would be from cellulosic, biodiesel, and drop-in fuels like methanol and butanol. They could come from different feedstocks, such as recycled grease, wood, corn stover, switch grass, municipal waste, algae, and livestock manure. Right now there is little to no commercial production, but we need to support those efforts with new incentives for these fuels and bio-refineries. Most importantly, we need to work on bringing down the costs and expanding their markets.

In Delaware, inventive companies are already hard at work researching cutting-edge biofuel systems, including ones that produce energy from soybeans and algae. One such company is Elcriton in Newark, which is producing drop-in fuels from duckweed, an aquatic plant that can be used to produce fuel. Another company headquartered in Delaware—DuPont—working with partners around the country on both cellulosic and biobutanol technologies. None of these fuels compete with the price of livestock feed. I am proud of the biofuel innovation taking place in my State, and I want to replicate this model across the country.

In addition, this growth of advanced biofuel innovation has the potential to lead to new economic opportunities not only for energy companies and consumers but also for Delaware chicken farmers. Today, of great concern to them is the price of corn on the input end of farm operations, but—hopefully, not too far down the road—a significant factor on their balance-books may soon be earnings from waste that can be sold for biofuels.

Ultimately, the policies we pursue should lead to American consumers, producers, and farmers using less petroleum. If we are going to reduce our dependence on fossil fuels, particularly those imported from overseas, we are going to need to pursue a range of cleaner and more secure sources of energy. Advanced biofuels are central to this effort, and, now that we have taken the first step by adopting the Feinstein-Coburn amendment, I hope the Senate will take the next step as well.

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

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

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask that the order for the quorum call be rescinded.

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

THE ECONOMY

Mr. HATCH. Mr. President, our Nation's challenges grow by the day. The citizens of Utah get this. The citizens in this country get this.

A recent NBC News-Wall Street Journal poll found that 62 percent of Americans think the country is on the wrong track. Only 37 percent of Americans approve of the President's job of handling the economy. I would like to meet those people, because when I talk to Utahns, the numbers are much lower than that, and I understand why.

Applications for unemployment have been above 400,000 for 7 straight weeks. Economic growth is stagnant. Job growth is pathetic. The real estate market remains in free-fall. Since 2007, housing values have dropped by more than during the Great Depression.

Medicare is going bankrupt, and when it does, it will take down this country and tens of millions of seniors with it. Yet President Obama and his Democratic allies steadfastly refuse to acknowledge that there is a problem with Medicare. Former Speaker NANCY PELOSI, when asked where the Democrats' reform plan was, responded:

> We have a plan. It's called Medicare.

Meanwhile, the President's handpicked chairwoman of the Democratic

National Committee gleefully demagogs Republicans' efforts to fix this dying program.

There are legitimate fears that the Federal Reserve's loose money policy is creating yet another stock market bubble that could pop and destroy the retirement savings of millions of Americans. Most ominously, PIMCO, the world's largest bond fund manager, is looking to countries such as Australia, Canada, Brazil, and Mexico, countries without our massive fiscal problems, to invest. As I have said before, there is a genuine risk that the United States is in a debt bubble. Because of historically low interest rates, we may be totally underestimating how dangerously leveraged this country is. But the minute rates start going up, citizens are going to realize how much they are on the hook for. When the word on the street is that U.S. Treasurys are not worth investing in, higher interest rates are just around the corner.

So we have a lot of work to do, but I wish to touch on three things we should be doing now, and I mean right now. The people are demanding action, and there are a few things Congress can do that would bring relief to struggling American families.

First, the President needs to submit the Colombia, Panama, and South Korean Free Trade Agreements to Congress. They are long overdue. The failure to submit these agreements has stalled U.S. job growth at a time when it is desperately needed. There is only upside to these agreements. Consider that from Utah alone, South Korea imported more than $294 million of goods in 2009.

The former Director of the Congressional Budget Office, Doug Holtz-Eakin, has it right. This is what he said earlier this week in a letter to the President:

> Opening Colombia, South Korea, and Panama to U.S. businesses is anticipated to increase total exports by $12 billion, and will add at least $14 billion to the United States gross domestic product, promoting increased investment and job creation at home.

While the President is down in Florida yukking it up with rich liberals about how he wasted nearly $1 trillion on his stimulus boondoggle, he seems oblivious to the fact that he could just hit send, deliver these agreements to Congress, and have a trade-driven economic stimulus.

If given a clean up-or-down vote, I am confident these agreements would pass. I have no doubt who would prevail if that debate were allowed to happen. But old habits die hard.

The President's spend-first mentality is cluttering what should be a clean debate on the benefit of these free-trade agreements for the American economy. Rumors persist that the President may include a reauthorization of an expanded trade adjustment assistance bill into one or perhaps all the bills implementing our trade agreements with Colombia, Panama, and South Korea. This would be a grave mistake. That tactic raises serious procedural concerns which could jeopardize approval of these job-creating agreements.

It also raises serious concerns about the President's commitment to gaining approval of our long-stalled trade agreements with these important allies. It would send a signal that further placating unions is more important than growing our economy, a position I simply cannot understand or support. If the President chooses this course of action, he needs to know I will vigorously oppose him and reserve the right to use all procedural options available to do so. If, as the President says, there is such strong bipartisan support for trade adjustment assistance, it should be considered on its own merits and not thrust upon an unwilling Congress through procedural shenanigans.

These trade agreements are something Washington can do, and should do, to get our economy back on track. But we must also be vigilant in fighting against proposals that would undermine our economy and our sovereignty.

Standard & Poor's recently downgraded Greece's debt rating to CCC, from a B. This is the world's lowest rating, and S&P concluded that a default on Greek debt was increasingly likely.

So what was the President's response? Like the Siren's Call, a bailout beckoned. He seemed to go all in for an IMF bailout of Greece. Greece has already been bailed out once by the IMF, to the tune of $145 billion. We cannot let this happen again. That is why today I am cosponsoring the anti-IMF bailout amendment with my good friends, Senators DEMINT, VITTER, and CORNYN.

This amendment, which we filed to the Economic Development Revitalization Act, would rescind bailout funds provided in 2009 to the International Monetary Fund. Under the urging of the Obama administration, additional funding of up to $108 billion was given to the IMF which it can use to bail out heavily indebted European countries such as Greece.

The amendment I am cosponsoring would roll that funding back. Now is not the time, when Americans are struggling to find work and have budget problems of their own, to tap innocent American taxpayers in order to bail out profligate European governments. Rather, it is time to stop our own runaway spending and our continued movement toward European levels of government. If we go down that route, the destination is an America very different than the one our Founders intended, and it is critical we hit the brakes now and save our limited constitutional government.

The American people are tired of bailouts. When ordinary Americans are struggling to get by and when our country faces its own debt crisis, the last thing we need is a bailout of irresponsible Socialist governments and the irresponsible investors who bet on them, which brings me to my final point.

Earlier this week, my colleague and friend from Florida, Senator MARCO RUBIO, gave his maiden speech in the Senate. He is certainly to be commended. I sat here and listened to him. It was a tour de force, and I recommend that all my colleagues, and, for that matter, all the citizens of this Nation read it. He made it clear that he is confident in this Nation and our ability to weather the current storm and emerge in rich and steady seas.

America's best days are ahead of it. America has been and will always be a shining city on a hill. But for there to be another American century, a century of liberty and prosperity both here and abroad, we have our work cut out for us.

America is over $14 trillion in debt. We face our third straight year of trillion-dollar deficits. We have entitlement programs that are going bankrupt. Under this Presidency, we have lifted the debt ceiling three times and the last one, if I recall correctly, was about $1.9 trillion and we have basically just given the administration an open checkbook. We have entitlement programs that are going bankrupt.

Our total obligations, according to one account, are over $62 trillion. This is a debt burden that is simply unsustainable. We need to get our spending under control immediately; otherwise, American families and citizens will be crushed under the weight of all this debt.

The other side keeps telling us the problem is a lack of revenue. They say all we need to do is raise taxes and eliminate tax loopholes. Never mind the fact that raising taxes threatens to kill the small businesses that will be the engines of our economic recovery, and never mind the fact that these so-called loopholes include the IRAs, 401(k)s, and charitable deductions of American taxpayers.

Let's not make any bones about it. The left's proposal to gut tax expenditures would put a bull's-eye on the backs of working families who have mortgages and save for the future.

In the spirit of bipartisanship, as an aside to some of my friends on my side of the aisle who seem to think all expenditures are wasteful spending, consider the following: The third largest tax expenditure is the current lower rates for capital gains and dividends. Be careful, my friends; otherwise, you might end up inadvertently finding yourselves sharing the stage with my friend, the junior Senator from Vermont, in effect, advocating for a sharp hike in the rates of capital gains and dividends.

Even if liberal Democrats did all these things, raising taxes on middle Americans and further hindering economic growth, we still would come nowhere close to balancing the budget.

This is the dirty secret of President Obama and Democratic leadership to

engage in meaningful efforts to balance the budget. As my colleague from Alabama, the ranking member of the Senate Budget Committee, notes, it has been more than 770 days since Democrats passed a budget. That is disgraceful. For over 2 years, congressional Democrats have simply abdicated their most basic constitutional responsibility, and here is why. They have refused to cut spending, and they know balancing the budget for new taxes alone would be perceived as a full-blown assault on personal liberty and limited government. So instead of offering up a bogus budget, as the President did, and get laughed out of town, or offering up a proposal for balance that satisfies their liberal base, raises the tax burden to historic levels, and inspires the vitriol of their constituents, Democrats decided to keep their mouths shut.

Where does that leave us? The answer, to me, is clear. We need to pass a balanced budget constitutional amendment. This is where the entire Republican caucus stands in the Senate. The amendment I introduced, S.J. Res. 10, is supported by every single Senate Republican. I bet it is the first time all Republican Senators have supported it. It is a good amendment that benefited from the input of many Senators, and it is a necessary amendment.

Some people—the sophisticated set—argue this is not a serious proposal. The American people beg to differ. They know Congress will not balance the budget and shrink the size of government without meaningful constitutional restraints. The actions of Democrats and President Obama over the last few months are all the evidence we need to support this hypothesis. Facing a full-blown debt crisis, they still prefer to kick the spending can down the road.

I want to be clear that I am deadly serious about this proposal, and so are the people of Utah. I have been pleased to work side-by-side with my colleague from Utah, Senator MIKE LEE, on the balanced budget amendment, and Senator CORNYN and all the other Republicans. Some people might say MIKE LEE and I are an odd couple. I have a few years on him, and I don't tend to be as animated as he is. He is a great young man with a lot of energy. But we share at least one thing, an absolute commitment to passing a balanced budget constitutional amendment and sending it to the people in the States for ratification. The people are demanding that we act, and it is well past time that we recognize their constitutional sovereignty and allow them to exercise it through State ratifying conventions.

I would like to commend Senator LEE for his tireless work on this amendment. He is not the only one who deserves thanks, however. My colleagues, Senators CORNYN, KYL, TOOMEY, DEMINT, RUBIO, PAUL, and many other Republicans were essential in the development of this amendment, but it is special for me to be working with my friend, Senator LEE, on this critical constitutional amendment. He is a legitimate constitutional scholar, a steadfast advocate of our constitutionally limited government, and a hero to many. I could not be more proud to stand with him and lead this fight for the people of Utah and the taxpayers of this country.

If the American people said anything last fall, it is they want their representatives in Washington to listen to them. They know we will not get it right every time, but they know we should always do our best to represent their values and their interests. This Congress needs to listen to the people. It needs to get these trade agreements done without holding them hostage to unrelated spending. It needs to say no to more bailouts, and it needs to pass a balanced budget constitutional amendment.

In this country, the people are sovereign. I would have to say, if we would pass that constitutional amendment through the Senate, I believe we would get it through the House, and then it is up to the States. We still have to get three-quarters of the States to ratify it.

To the extent that Democrats hate the constitutional amendment and hate that kind of restraint on their spending practices, they can lead the battle in the States. The problem is, they know this constitutional amendment would be ratified so fast our heads would be spinning.

We need 38 States to ratify a constitutional amendment, and that is not easy under anybody's view. In this country let's let the people decide that. They are sovereign. It is well past time that Congress and the President listen to them.

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.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

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

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

DECLARATION OF WAR

Mr. DURBIN. Mr. President, as has the Presiding Officer, I have served both in the House of Representatives and in the U.S. Senate, and during the course of my career, I have been called on to make many votes. Most of them fade into obscurity after they are cast and are never recalled, but there are a few we will remember for our lifetimes.

I would say the highest level in that category are the times when we are called upon as Members of Congress to consider a declaration of war. Many of us have lost sleep over those decisions. We have thought about those votes long and hard. No matter how just the war may be or how important it may be, we cannot help but reflect on the fact that at the end of the day, people will die as a result of our decisions if we go forward in terms of a declaration of war. I have lost sleep over those decisions.

I have tried during the course of making those decisions to be guided by several principles.

First, as Members of the Congress, both in the House and the Senate, we swear to uphold and defend the Constitution. I feel as though that Constitution is my starting point for my responsibility and my rights as a Member of the U.S. Senate when it comes to this issue.

The Constitution is very clear in article I, section 8, clause 11, that only the Congress can declare war. The decision was made by our Founding Fathers that the people of the United States literally would have a voice in this decision. It wouldn't be a decision made only by the Chief Executive because ultimately the people and their families and their children would pay the price of a war in human terms—the loss of life—and, of course, in the cost of war borne by our Nation.

I am also guided by my responsibility to the people who were kind enough to give me this opportunity to serve. I think about my State of Illinois and the families, the mothers, fathers, and children all across that State who could be affected by a decision if our Nation goes to war.

I also like to think about whether the war is absolutely necessary in terms of the defense of the United States of America.

Some cases are easier calls. When we were attacked on 9/11, many of us knew that 3,000 innocent Americans had died at the hands of terrorists. I didn't hesitate to vote for a declaration of war against those forces in Afghanistan responsible for that attack on the United States.

We went through a parallel debate at the same time about the invasion of Iraq. I did not believe the previous President made a compelling case for the invasion of Iraq. If my colleagues will recall, at that time the debate was about weapons of mass destruction that could threaten the Middle East or even the United States. I voted against that declaration of war on Iraq. Twenty-three of us did in the Senate—22 Democrats and 1 Republican. We came to learn that there were no weapons of mass destruction. Many of the threats which gave rise to the President's request turned out to not be factual at all. Well, we are finally—finally—more than 10 years later, starting to bring those troops home from Iraq, and we have paid a heavy price in Americans

killed and maimed and in the cost to our Nation.

Each time we have been challenged as a Senate and as a House to consider a declaration of war, I have thought long and hard about it: my constitutional responsibilities, my responsibilities to the people of my State, and whether such a war was absolutely necessary.

Now we are engaged in three wars—wars in Iraq, Afghanistan, and in Libya. Shortly, we will be considering the authority of the President of the United States to continue our involvement in Libya. I am going to apply the same constitutional standard and standards of judgment to that decision that I have to every other declaration of war or every other approval of engagement in hostilities by the United States as I have in the past.

This President is my friend. He was my colleague in the Senate. We are of the same political party. But when it comes to an issue of this gravity, we have to move beyond any personal considerations when it comes to the President and think about our Nation, our Constitution, and our responsibility to the people we represent.

We have learned during the course of our history that Presidents don't always come to Congress when they initiate a war. President Franklin Roosevelt did. He came to Congress shortly after—in fact, the day after—the attack on Pearl Harbor in December of 1941 and asked for the authority and permission to go forward with a war that would be waged against those who would attack us. Then came the Korean conflict, which was not characterized in official terms as war because President Truman didn't come to Congress asking for that authority.

I had two brothers, incidentally, who served in the U.S. Navy during the Korean conflict. They always used to jokingly say it was a police action with real bullets, and I know, because many innocent Americans died in the course of that Korean conflict. Yet there was no formal declaration of war.

Vietnam was a war I paid much closer attention to because it came at a time when I was in college and law school, and my friends were being asked to serve. Again, there was no official declaration of war.

After Vietnam and after the tremendous loss of life and all the controversy associated with it, there was a debate in the Halls of Congress about whether we needed to be more specific in terms of the authority of a President to go to war. So Congress enacted the War Powers Resolution in the 1970s, which spelled out in specific terms the responsibility of the President when he would ask this Nation to go to war.

That bill, having passed both the House and the Senate, was sent to President Nixon, who vetoed it. He viewed it, as most Presidents have then and since, as an intrusion on his authority as Commander in Chief. But the Congress decided to pass the War Powers Resolution over the veto of President Nixon, reaffirming the constitutional authority and right of Congress when it came to a declaration of war.

Now we find ourselves in a situation where Congress has voted on going forward with the war in Iraq—and, as I mentioned earlier, I was one of those who voted against it—going forward with the war in Afghanistan—I was one who voted for it; all Senators did, I might add, from both political parties—and now a question of Libya.

Several months ago, the situation in Libya became so grave that the President of the United States met with our leaders in the military and leaders of other nations to ask what should be done. Muammar Qadhafi, the rogue leader of Libya, was literally attacking and killing his own people in the streets of his country, and there was a widespread public reaction against it from the Arab League, of which Libya was a member, as well as the European Union, the United Nations, and others.

President Obama made the decision then to consult with Members of Congress about what we should do. I was fortunate enough, being a member of leadership, to be part of the conference call when the President was on the line with leaders—Democrats and Republicans—in the House and Senate and spelled out what he believed was the grave threat to the innocent people of Libya.

At that point, this was a question as to whether Benghazi was going to fall and whether Muammar Qadhafi would consolidate power and take retribution against those who had been in opposition to his government. He said he was going to take to the streets with his military and kill them like rats, and we took him at his word, and the President felt the civilized nations of the world had to act.

Acting in consultation and in concert with the Arab League and the United Nations and NATO, the President spelled out a course of action. He told us in these early consultations that the United States involvement would be very limited, perhaps more intense at the outset than as any conflict progressed, and that we would not commit land troops to Libya, and that basically the leadership of this effort would be under the auspices of NATO, and we would be in a supportive role—a role which would diminish over time. That was the President's promise, and that was what was executed.

Now, more than 2 months later, the question has arisen: Well, what is this President's responsibility under the Constitution? What is the Congress's responsibility under the Constitution? Are we engaged in a war?

I might say that I sat down before coming to the floor and carefully reread the War Powers Resolution. Although we characterize it in many different ways, the language of this War Powers Resolution is, in some areas, difficult to apply to every situation. It makes reference throughout ''to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.''

We translate that in our debates, and I have been party to many over the course of the time I have served in the House and the Senate, as to whether we are talking about a defensive military action or an offensive military action.

I do not think there is any question—not in my mind—that a President as Commander in Chief has the authority, without seeking congressional approval, to defend the people of the United States and its territory. Certainly, we would not expect the President to wait for Congress to convene, debate, and vote if the United States and its citizens are under attack.

But what of those other circumstances where we are initiating military action that is not strictly in defense of the United States? Are those so-called offensive military actions hostilities? Do they require a President to come forward and to ask of Congress authority to go forward with the U.S. involvement in those military hostilities? That is where we find ourselves today.

More than 60 days after the initiation of our involvement in Libya, the debate is still on in the Senate as to whether we need to authorize the President to continue our efforts in Libya and whether that authorization should be under the War Powers Resolution.

I think it should. That is why I have come to the floor today. I joined with Senator BEN CARDIN in introducing a proposal, a Senate joint resolution, which we have circulated, which would give the President the authority, if passed, to continue the hostilities in Libya under the War Powers Resolution, expressly stating that it would not involve land forces, ground troops, and that it would have a time certain to end—in our case, by the end of this calendar year—subject to another decision by Congress as to whether it should go forward.

I believe that is still the right course of action. I am hopeful that before the end of the day there will be action taken by some of my colleagues here in Congress to come forward with a bipartisan resolution which parallels what I just described.

I might add there is some controversy, and it is worthy of at least debate, as to our current situation in Libya and whether it fits squarely within the War Powers Resolution.

Bob Bauer, who is general counsel to the President of the United States, argues it does not. Yesterday, in a conference call, Mr. Bauer was asked specifically whether he thought the War Powers Resolution was applicable to the current situation in Libya. Here is what he said. When he was asked: Could you explain? he said:

Certainly. As I mentioned, as my colleague was going through the nature of the mission and how it changed, we're now in a position where we're operating in a support role. We're not engaged in any of the activities that typically over the years in war powers analysis is considered to constitute hostilities within the meaning of the statute. We're not engaged in sustained fighting. There's been no exchange of fire with hostile forces. We don't have troops on the ground. We don't risk casualties to those troops. None of the factors, frankly, speaking more broadly, has risked the sort of escalation that Congress was concerned would impinge on its war-making power.

So within the precedents of a war powers analysis, all of which typically are very fact-dependent, we are confident that we're operating consistent with the resolution. That doesn't mean that we don't want the full, ongoing consultation with Congress or authorization as we move forward, but that doesn't go to our legal position under the statute itself, and we're confident of that.

I respect Mr. Bauer, but I respectfully disagree with him. I believe that what we are engaged in in Libya is a matter that should come under the War Powers Resolution. I believe that we should as a Congress consider it under the War Powers Resolution.

I think that is the right course of action. It will give the President clear authority, and it will also establish the clear authority of Congress in this particular situation.

Let me add quickly, I think the President was right in what he did initially. I believe the use of American military technology—which was primarily our initial investment—was certainly warranted. Working with NATO, we created an atmosphere where the NATO forces could not be in harm's way, would be safe in their early efforts to stop Muammar Qadhafi in his efforts to kill the civilians in his country.

I also believe the President was right from a foreign policy viewpoint by not doing this unilaterally but working with the Arab League, the European Union, and the United Nations.

The fact that we have for the first time in history NATO forces working in concert with the Arab League is, I think, a very positive thing, and I salute the President for doing it.

I think his goal and motives were good in this effort, and I would vote, if asked, to continue this effort under the War Powers Act affirmatively based on all the briefings I have received.

Having said that, I believe we should pursue the course that Senator CARDIN and I suggested in our resolution, that we should, in fact, deal with this matter under the War Powers Resolution. We should debate and take action on it here in the Senate.

I am hopeful that soon—perhaps before the end of the day—there will be some effort under way in a bipartisan fashion to do just that.

At the end of the day, we will be asked by future generations if we kept true to our oath under the Constitution, which requires us to face difficult debates and decisions, and there are none more difficult than this.

We are also going to be asked by the people we represent in terms of the cost in human life and the cost to American taxpayers whether we engaged in the debate and determined it was the appropriate thing to do.

I have, like so many Members of the Senate and Congress, had the sad duty to attend the funerals of those who have fallen in combat in service to our country. It is sad to face their families and realize they have paid the ultimate sacrifice to our Nation. I think that requires us, even in circumstances where the facts are debatable, to err on the side of exercising our constitutional authority.

I hope before the end of the day this bipartisan resolution will come to the floor—and certainly before the end of the week—and that we debate it and act on it before the end of this work period.

Again, let me make it clear, I think the President is right in what he is doing. But I think we have a responsibility that goes beyond Mr. Bauer's conclusion—a responsibility to decide that this offensive use of military force, even for a good purpose, a good humanitarian purpose, is one that requires the authorization of the American people through their Members of Congress.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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

Mr. REID. Mr. President, I ask unanimous consent that morning business be closed.

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

Morning business is closed.

THE PRESIDENTIAL APPOINTMENT EFFICIENCY AND STREAMLINING ACT OF 2011—MOTION TO PROCEED—Continued

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume consideration of the motion to proceed to Calendar No. 75, S. 679. I send a cloture motion to the desk and ask the clerk to report.

CLOTURE MOTION

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

The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 75, S. 679, the Presidential Appointment Efficiency and Streamlining Act of 2011:

Harry Reid, Joseph I. Lieberman, Thomas R. Carper, Frank R. Lautenberg, Sherrod Brown, Barbara Boxer, Sheldon Whitehouse, Patty Murray, Robert P. Casey, Jr., Christopher A. Coons, Joe Manchin III, Debbie Stabenow, Jon Tester, Benjamin L. Cardin, Jeanne Shaheen, Kent Conrad, Richard J. Durbin.

Mr. REID. Mr. President, I am disappointed that we had to file cloture again. I would hope, though, that in the ensuing days, the Republicans on the other side will let us get on this bill.

This is a bill Senator MCCONNELL and I started working on when we were both whips many years ago. The purpose of the bill is to eliminate the need to have all of these nominations to these relatively minor posts confirmed by the Senate. And the work done by the chairman and ranking member of the Budget Committee, Senators SCHUMER and ALEXANDER, has been exemplary.

We now will have—when this legislation passes, and I really think it will pass, even if we have to invoke cloture on the motion to proceed and on the bill itself—hopefully that will not be necessary, but if we do, that is what we will have to do. This bill would take away the necessity of our having to do some 200 nominations for some of these minor posts I talked about.

I hope we can get on this bill when we come back next week. It will be the right thing to do. There is so much to do. This would set the tone of this work period that has not been so good to this point.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at 11 a.m. on Tuesday, June 21, 2011, the Senate proceed to executive session to consider Calendar No. 34, the nomination of Michael H. Simon, of Oregon, to be U.S. district judge for the District of Oregon; that there be 1 hour of debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote without intervening action or debate on Calendar No. 34; that following this vote, the Senate recess until 2:15 p.m. for the weekly party conferences; that at 2:15 p.m., the Senate consider Calendar No. 183, Leon E. Panetta to be the Secretary of Defense for our country; that there be 2 hours of debate equally divided between the two leaders or their designees; that upon the use or yielding back of that time, the Senate proceed to vote without intervening action or debate on Calendar No. 183; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, no further motions be in order to

the nominations, and any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session; further, that following this vote, the Senate resume consideration of the EDA bill and vote on the motion to invoke cloture on that bill; that if cloture is not invoked, the Senate proceed to vote to invoke cloture on the motion to proceed to S. 679, the Presidential Appointment Efficiency and Streamlining Act; finally, that the mandatory quorum under rule XXII be waived on both cloture motions.

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

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

The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that I be allowed to speak for up to 17 minutes.

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

CYBERSECURITY

Mr. WHITEHOUSE. Mr. President, I rise today to speak about a serious issue that touches on our national security, our economic well-being, the safety of our families, and our privacy; that is, America's cybersecurity.

I look forward to conducting an in-depth examination of the aspects of this issue that falls within the Senate Judiciary Committee's jurisdiction during the Subcommittee on Crime and Terrorism's June 21, 2011, hearing, ''Cybersecurity: Evaluating the Administration's Proposals.'' However, because of the importance of improving our cybersecurity, as demonstrated by the recent Gmail spear-fishing attacks and hacks at Sony, Epsilon, Lockheed Martin, and even the Senate itself, I rise to make some initial remarks today.

American technological innovation ushered in the Internet age, bringing with it Facebook, YouTube, and the rest of the World Wide Web. It set off an explosion of new commerce, freedom of expression, and economic opportunity even in the smallest details of our lives—allowing a car company, for instance, to unlock your car doors remotely if you have locked yourself out of your car.

However, this increased connectivity allows criminals, terrorists, and hostile nations to exploit cyberspace, to attack America, to invade our privacy, to loot our intellectual property, and to expose America's core critical infrastructure to cyber sabotage. Entire online communities are dedicated to stealing and selling American credit card numbers. Consider the disturbing fact that the price of your credit card number stolen online actually goes up if the criminal also is selling your mother's maiden name. Some criminals have learned how to spy on Americans, hacking into our home computers and looking out through the video camera attached to the screen. Others run Web sites selling stolen entertainment without paying the American companies that created it. And millions of American computers—millions of American computers—have been compromised by malware slaved to botnets that can record your every keystroke and send it instantaneously across the world to a criminal's laptop.

I firmly believe that cyber crime has put our country on the losing end of the largest illicit transfer of wealth in world history. Whether by copying source code, by industrial espionage of military product designs, by identity theft, by online piracy, or by outright old-fashioned stealing from banks—just doing it the electronic way—cyber crime cripples American innovation, kills jobs here at home, and undermines our economic and national security.

Congress must act to protect Americans from these Internet dangers and to protect our civil liberties. Let me say at the outset that the government must not be allowed to snoop indiscriminately into our online activity, to read our e-mail, or to watch us online. There simply is no need for such an invasion of privacy, and we must move forward with that firmly in mind.

The majority leader has introduced a leadership bill that will be a vehicle for our work. The Commerce Committee, led by Chairman ROCKEFELLER and Ranking Member SNOWE, both of whom I had the privilege to serve with on the Intelligence Committee, and the Homeland Security Committee, led by Chairman LIEBERMAN and Ranking Member COLLINS, reported key bills last year. Chairman LEAHY and the Judiciary Committee have reported important legislation on data breach and other issues central to cybersecurity. The Armed Services, Energy, and other committees have studied the issue from the perspective of their particular jurisdictions and expertise, and under the leadership of Chairman FEINSTEIN, the Intelligence Committee Cybersecurity Task Force completed its classified report last July, authored by me, Senator MIKULSKI, and Senator SNOWE. So we have been ready in Congress.

The administration has now weighed in with its own proposal, recognizing that we need cybersecurity legislation to make our Nation safer and launching in earnest our legislative process.

We have hard work ahead to find the best possible solutions to this complex and grave challenge to our national and economic security. As we begin, I would like to flag five issues that I believe must be addressed as this legislation goes forward.

First, we need to build greater public awareness of cybersecurity threats going forward.

What is the problem? The problem is that information affecting the dot.gov and the dot.mil domains—the government domains—is largely classified. And in the dot.com, dot.net, and dot.org domains, threat information is often kept proprietary by the victim business so as not to worry shareholders, customers, and regulators, or give ammunition to competitors. The result is that Americans are left in the dark about the level of danger that is actually out there on the Internet.

The administration's proposal would require covered businesses to notify customers if their personal information is stolen, expand reporting of cybersecurity threats, and require some public assessments of cyber readiness.

I believe more can still be done on these fronts. I have had the pleasure of working with Senator KYL to introduce S. 931, the Cyber Security Public Awareness Act. I would like to urge interested colleagues to review it and consider including it as part of our larger cybersecurity legislation. That is first.

Second, the Senate needs to ensure that we give private industry the tools necessary for self-defense against cyber attacks.

Proper sharing among and within industries of cybersecurity threat information is vital. The administration took an important step by recommending, subject to various safeguards, enhanced sharing of cybersecurity threat information by the government with private industry. But we may also need to remove legal impediments that unnecessarily limit the sharing of threat information within industries, and we should be prepared to listen here to the private sector's needs as they set up those areas for safe communications about the cyber threats they share.

Third, our Nation does not have basic rules of the road for end users, ISPs, and software and hardware suppliers.

The administration proposal includes important provisions that would move us in the right direction. Assuming that ISPs—Verizon and Comcast and the companies that are actually providing the service—assuming that these companies qualify as critical infrastructure, which is an assumption we should clarify before getting too far down this path, the administration's proposal would require them to develop a standardized framework to address cybersecurity.

Sensible laws and regulations have made our highways safe, and we need similarly to make our information highways safe. Federal procurement can encourage effective cybersecurity standards with appropriate supply chain security so as to improve cybersecurity across the hardware and software industries. These improvements will benefit the government directly, but it will also improve the security of all products on which business and consumers rely.

Americans are too often unaware of dangerous malware that has been surreptitiously inserted into our own computers, and we do not take readily available measures to protect ourselves and those with whom we link.

One leading ISP, Comcast, deserves credit for developing a new mechanism to notify and assist its customers when their computers have been compromised by malicious software or botnets. All other ISPs should work together to join, strengthen, and standardize this program. In Australia, ISPs have developed a code of conduct that may be a model for their American counterparts in this regard.

The fourth point: It is vital that the government have an instant response plan that clearly allocates responsibilities for responding to a major cyber attack or breach. The administration proposal puts the responsibility for such incident response with the Department of Homeland Security Cybersecurity Center envisioned by the proposal. I look forward to working with the administration and my colleagues on that aspect of the proposal.

More generally, the administration proposal, like bills that have been reported in the Senate, gives the Department of Homeland Security a leadership role in our Nation's cybersecurity. We have to remember this is a relatively new role for the Department of Homeland Security. It is one of a great many different responsibilities that the Department of Homeland Security bears, and it is a role in which much of the government's expertise resides in other agencies than the Department of Homeland Security.

The Department of Homeland Security's role must be configured to attract sufficiently high-caliber cybersecurity professionals to ensure that DHS properly leverages the cybersecurity expertise at those other agencies and to assure sufficient independence and credibility of the Cybersecurity Center to perform this vital mission, even as administration change and attention to cybersecurity waxes and wanes. Cybersecurity is a real and present danger, so we must also plan for and minimize the interim period in which DHS builds up its cybersecurity expertise, promulgates necessary regulations, and otherwise grows into any new role with which it is tasked.

Cyber attacks happen at the speed of light, so the best defense requires that we preposition some of our defensive capabilities. Many of our Nation's leading experts who have seen the dark heart of the Internet's dangers and understand the cyber threat in its dimensions recommend rapidly creating secure domains for our most critical infrastructure—our electric grid being the most obvious example. These would be domains in which our Nation's best cybersecurity defenses could be both lawful and effective. Obviously, this would need to be done in a very transparent manner, subject to strict oversight. But we as a country have impressive capabilities in this area, and we need to make sure those impressive capabilities protect our critical infrastructure as soon as possible. They are not deployed to protect critical infrastructure now.

Fifth, countries around the world, including countries that dedicate significant resources to exploiting our cyber vulnerabilities, are working hard to build their cyber workforces. We must not fall behind.

This means enabling our colleges and universities, in partnership with private companies, government agencies, and other cybersecurity innovators, to research the next great cybersecurity technology and to build the cyber human capital our Nation needs to defend itself and continue to flourish on the Internet.

Academic and technological leaders in my State, such as the University of Rhode Island and Brown University, have been hard at work developing new cybersecurity technologies and strengthening our Nation's cyber expertise. I look forward to working with them as we go forward.

There are other vital issues we must address, many of which I have spoken about previously on this floor. We must work, for example, to scale up our Nation's cybersecurity and law enforcement resources to match the seriousness of the threat posed by cyber criminals, by terrorist organizations, and by hostile nation states using cyberspace to attack our Nation.

The bottom line is we have a lot of important work to do. I am glad there is every indication that it will be bipartisan work, undertaken with the country's best interests in mind. I look forward to taking on this task with my colleagues in the months ahead.

I yield the floor.

WELCOMING HIS EXCELLENCY TSAKHIAGIIN ELBEGDORJ

Mr. LUGAR. Mr. President, today as ranking member of the Senate Foreign Relations Committee, I am pleased to welcome the President of Mongolia, His Excellency Tsakhiagiin Elbegdorj, a renowned promoter of democracy and a longtime friend of the United States.

As a leader of the peaceful democratic revolution in Mongolia in 1990, President Elbegdorj was a pioneer of freedom in Mongolia. His distinguished service to Mongolia includes serving as Prime Minister and Vice Speaker of the Great Hural/Parliament.

The United States recognized Mongolia in 1987 and established our first Embassy in Ulaanbaatar in 1988. We have supported Mongolia in its move toward democracy and market-oriented reforms.

Our partnership with Mongolia is vibrant and growing with multiple intersects covering trade and economic issues, defense cooperation, and people-to-people programs. Mongolia is also active in regional and global affairs and would be an appropriate host for future multilateral talks related to North Korea and its nuclear weapons program.

Since 2003, Mongolian troops have been deployed in support of coalition operations in Iraq and Afghanistan. In addition, Mongolia has deployed over 3,000 personnel on U.N. peacekeeping missions in approximately 10 countries.

I appreciate this opportunity to convey my appreciation for the personal leadership of President Elbegdorj and his important contribution to the growing of Mongolia-U.S. relations.

JUNETEENTH 2011

Mr. CARDIN. Mr. President, I rise today in celebration of the 146th anniversary of Juneteenth, the oldest continually celebrated commemoration of the end of slavery in the United States. This significant historical event is appropriately observed as an important part of American history. Though the Emancipation Proclamation officially took effect on January 1, 1863, many slaves did not find freedom until Union troops were able to reach the Southern States to enforce the order. Lincoln's order initially directed the Confederate States to end slavery, but allowed the States that remained in the Union during the Civil War to maintain the peculiar institution of slavery. It wasn't until December of 1865 that the 13th amendment marked the complete abolition of slavery in this country. Juneteenth was an important first step toward inclusion in the greater American dream.

It is a time of reflection, healing and an opportunity for our country to have meaningful discussions about our legacy of slavery and inequality and our ambitions for a more perfect Union.

With the breadth of technology we have today, it is difficult for many to conceive of a time where news traveled over days, months and even years depending on where the communication began and ended. The real-time dissemination of information via mobile phones, BlackBerries and Skype video chat makes it easy to forget a time when things moved at a much slower pace. In the 1860s horses were widely used for carrying mail, although parts of the country were building out railroads—with locomotives powered by steam traveling approximately 15 miles per hour.

On June 19, 1865, Union troops arrived in Galveston, TX, to deliver freedom to slaves still held in bondage. Because of the amorphous period between the Emancipation Proclamation and the official implementation of freedom for America's slaves, Juneteenth is celebrated not only on June 19, but the entire month of June, to represent the slow spread of freedom during the war. The culminating reading of General Order No. 3 on June 19 sparked spontaneous and jubilant celebration, and the spirit of that celebration has thrived in every African-American community from that day forward.

While Juneteenth represents an import phase in our history, it does not represent the end of discrimination and prejudice. African Americans would continue to struggle to establish equality as citizens, in education, professional careers and socioeconomic status because of Jim Crow laws and other forms of insidious discrimination.

In marking this occasion, it is appropriate to reflect on what was responsible for its creation. Millions of Africans, kidnapped by traders or sold into bondage by warring African kings, were ripped from their ancestral homes and carried across the Atlantic Ocean under hellish conditions known as the Middle Passage. While estimates vary, it is likely that as many as 2.5 million Africans died before ever reaching the shores of the ''New World.''

No comfort found them upon their arrival, as they were treated as chattel and sold to merchants and farmers. Their daily lives included intense, back-breaking physical labor for long hours in poor conditions, with no hope of attaining freedom or economic advancement. Maryland was complicit in this bondage, and at one point in the late 16th century, slaves made up approximately a third of the State's population.

Maryland, however, helped to lead the abolitionist movement as well. The underground railroad, vital to the freedom of many slaves, ran through Maryland's Eastern Shore and Chesapeake Bay. Its operation relied on the kindness and secrecy of a vast network of often anonymous citizens, many who lived in Maryland, all equally dedicated to ferrying fleeing slaves to freedom in New York, Massachusetts, and Canada.

Indeed, determined slaves from Maryland would leave an indelible mark on our national landscape. Harriet Tubman, a slave from Dorchester County, MD, went on to guide her family as well as 300 other slaves over 19 trips into the South out of slavery and into the North. During her clandestine daring, she never lost a single ''passenger.''

Frederick Douglass, born in Talbot County, escaped northwards at age 20 and began a long life of fiercely advocating for racial equality not only in the United States but abroad as well. He established the hallmark arguments that abolitionists would echo for years to come, until Emancipation was finally proclaimed.

Emancipation was not the end of the struggle. Explicit laws and implicit associations would continue to create and sustain dire inequalities in the African-American community. Maryland passed 15 Jim Crow laws between 1870 and 1957, laws that would meaningfully segregate almost every area of public life, and would contribute to the man who would later argue the landmark Brown v. Board of Education case, Thurgood Marshall, being denied admission to the University of Maryland Law School. Marshall would go on to become the first Black Supreme Court Justice, and would help to safeguard the rights and freedoms of all Americans, regardless of race.

This Juneteenth, we must recommit ourselves to fighting racial disparity and prejudice. As we look back at the legacy of Juneteenth, and how the slow spread of the news of freedom brought forward a new era in our country's history, we must recommit ourselves to the hard work of ensuring that equal representation, equal opportunity, and equal justice are spread everywhere as well. Though the progress and spread may be slow, it will reach every American if we continue to vigilantly demand equality to access to health care, equal treatment by financial institutions, equal educational opportunities, and adherence to the words of our forefathers that ''all men are created equal.''

We must continue to eliminate inequality so we can truly honor the spirit of Juneteenth.

RECOGNIZING TIM THOMAS HOCKEY LLC

Ms. SNOWE. Mr. President, last night, the Boston Bruins completed a stunning comeback to win the Stanley Cup for the first time since 1972. This monumental victory is a testament to the team's workmanlike approach to the game, and there is much praise to go around. But one of the key players who contributed to the inspired game 7 win was Tim Thomas, Boston's fantastic goaltender. Winner of the Conn Smythe Trophy of Stanley Cup Final Most Valuable Player—at age 37, the oldest player to win this honor—Thomas posted a .967 save percentage in the series, stopping 238 of 246 shots, and stopping a record 798 shots in the entire playoffs. More than just a team player on the ice, Tim Thomas is also involved in the community with his Tim Thomas Hockey Camps. Today, I rise to recognize Tim Thomas and his endeavors to promote both hockey and sportsmanship throughout New England.

Incorporated in Portland, ME, Tim Thomas Hockey Camps got their start 4 years ago to help players of all ages participate and develop skills in the exciting sport of hockey. Camps are held during the summer across Maine, New Hampshire, Vermont, and Massachusetts, and campers have expressed tremendous appreciation of the dedication of the camps' staff to teaching the fundamentals of the game. Tim leads a team of 20 experienced staff members, from former National Hockey League players to college standouts and coaches, who impart their vast knowledge on camp attendees. Aside from the technical aspects of hockey, the camps also teach players about teamwork, camaraderie, and the importance of a strong work ethic. Additionally, the Tim Thomas Foundation helps both hockey players and organizations in need of assistance, and supports a number of groups and charities from the Greely Hockey Boosters in Cumberland, ME, to the Hunger Mountain Children's Center in Waterbury, VT.

Tim's desire to help others attain their goals in hockey comes from his own moving story, which is a case study in hard work, patience and perseverance. A star goalie at the University of Vermont, he was drafted 217th overall in 1994 by the now-defunct Quebec Nordiques. After spending several seasons in the minor leagues and in Europe, Tim made his debut with the Boston Bruins when he was 28 years old and became the team's starting goaltender 3 years later. Tim has racked up numerous accolades and All Star Game appearances over the course of his career, including winning the Vezina Trophy in 2009 as the NHL's best goaltender. He is almost certainly a lock to win it again this year. Furthermore, what makes this year's accomplishment so special is that Tim had off-season hip surgery last summer.

Tim Thomas' remarkable road to the Stanley Cup is truly noteworthy for aspiring hockey players across New England, and indeed the country. To many, he is a hero who helped bring the Cup back to Boston for the first time in 39 years. But to many more, Tim Thomas is also a role model, who inspires children of all ages to pursue their goals and dreams in the hopes that, one day, with hard work and resolve, they too can attain the ultimate prize. I thank Tim Thomas and everyone who is a part of the Tim Thomas Hockey Camps for their superb work, and offer my congratulations to the Bruins organization on its stellar victory!

TRIBUTE TO GERRY COUNIHAN

Mrs. BOXER. Mr. President, today I wish to pay tribute to a wonderful member of our Senate family. After 20 years of public service, Gerry Counihan is retiring from his post as Senate elevator operator.

In 1991, shortly after earning a degree from Franciscan University, Gerry began his Capitol Hill journey working in the mailroom for Senator JOHN MCCAIN.

Gerry then moved on to become a Capitol tour guide in 1997, where he distinguished himself with his enthusiasm and strong work ethic. Ted Daniel, former director for the Capitol's visitor services, hired Gerry, and remembers that on Gerry's first day he came to work thoroughly prepared, standing head and shoulders above his peers.

It was this passion and ''can-do'' attitude that led Gerry to become an integral part of the tour guide team that every day bring history to life for visitors. Gerry even made Capitol history himself. He gave the first public tour following the fatal shooting of two U.S. Capitol Police officers in 1998. And when the Capitol reopened to visitors following the terrorist attacks of September 11, 2001, Gerry again was chosen to lead the first tour.

Sadly, in 2007 Gerry was a victim of a home invasion as he was getting ready for work one morning. He suffered a near fatal assault and the mailman found him 3 hours later on his neighbor's steps where he had gone for help.

Gerry spent 5 weeks in the hospital relearning basic skills, not certain he would ever walk again. While in the hospital, he met Special Olympics founder Eunice Kennedy Shriver. He describes her as ''marvelous'' during his time of need.

With an abundance of emotional and medical support, Gerry was able to overcome this significant challenge and return to Capitol Hill as an elevator operator. I know I am not alone when I say that this is one of the best hires to date. Gerry's welcoming demeanor and caring and protective character have been appreciated by all Senators. He will certainly be missed.

Gerry's story is one of strength and determination. While his positions on Capitol Hill may have varied, he always strives to be the best at what he does and never lets circumstances bring him down. Having woven his way into all of our hearts, Gerry is an integral piece of the social fabric of Capitol Hill. We will remember him always.

I wish Gerry Counihan nothing but the best as he moves on to his next endeavor at the Department of Health and Human Services. I hope that he knows he is an inspiration to many and will forever be a part of the Senate community and the Senate family.

TRIBUTE TO CATHRYN HILKER

Mr. PORTMAN. Mr. President, I rise today to speak about Cathryn Hilker on the occasion of her 80th birthday. Cathryn is a resident of Cincinnati, OH, who has done incredible work over the last 30 years to help save the world's cheetah population. On Monday, June 20, 2011, the Cincinnati Zoo will be celebrating her 80th birthday and honoring her commitments to cheetah conservation.

Cathryn's work with cheetahs began in 1980, when she brought home a young cheetah cub named Angel. Over the next 12 years, Cathryn and Angel toured the country, giving live presentations to more than 1 million people and appearing on hundreds of television news programs all around the world. Through the Cincinnati Zoo's Cat Ambassador Program, which Cathryn Hilker founded, she and her team of trainers continue to take cheetahs and other endangered cats to schools to teach students about how we can help protect endangered species. Today, because of Cathryn Hilker's commitment and the support of her Angel Fund foundation, the African cheetah has a future in the wild.

Mr. President, for her commitment to cheetah conservation and her numerous contributions to the Cincinnati Zoo and the community of Cincinnati, I would like thank Cathryn Hilker and wish her a happy 80th birthday.

RECOGNIZING TREMCO INCORPORATED

Mr. PORTMAN. Mr. President, I rise today to congratulate Tremco, Inc., for its energy efficiency efforts. Tremco, located on Green Road in Beachwood, OH, recently completed a multimillion-dollar renovation of their 40-year-old headquarters to transform it into an energy-efficient example for sustainable design. The unveiling and dedication of the facility, which will be attended by our Governor, Members of Congress, and local officials, will take place tomorrow.

The renovation will allow Tremco to lower its carbon footprint, reduce gas usage by 84 percent, reduce electric usage by 43 percent, save hundreds of thousands of gallons of potable water, and reduce materials sent to landfills by 90 percent. In addition, they are hoping to receive the prestigious U.S. Green Building Council's LEED-Gold certification for their energy-efficient improvements.

In today's world of rising energy prices and instability in the Middle East, I would like to commend the management and employees of Tremco, Inc., for their leadership in sustainability and congratulate them as they celebrate their newly renovated headquarters in a ''Building Green on Green'' dedication that will take place on Friday, June 17, 2011.

REMEMBERING KATHRYN TUCKER WINDHAM

Mr. SHELBY. Mr. President, today I wish to pay tribute to Kathryn Tucker Windham, who passed away in her home on Sunday, June 12, 2011, at the age of 93. Kathryn was a renowned storyteller for whom I had deep respect. She enjoyed an accomplished career as an author, playwright, photographer and journalist. Kathryn also demonstrated a fierce dedication to her community. I mourn her passing.

Born on June 2, 1918, Kathryn spent the majority of her childhood in Thomasville, AL, where she also began her career in writing and photography. She graduated from Huntingdon College in Montgomery and remained supportive of her alma mater for the duration of her long and successful career.

Kathryn's trailblazing accomplishments include publishing many well-loved ghost stories and autobiographical memories as well as three cookbooks. She was also recognized as the first woman journalist in the South to cover a police beat at a major daily newspaper, and she had stints at the Alabama Journal, the Birmingham News, the Selma Times-Journal, the Area Agency on Aging and WUAL radio. Kathryn also wrote several plays, including a one-woman show that she, herself, performed. She was also a contributor to NPR's ''All Things Considered'' and a regular at the National Storytelling Festival in Jonesborough, Tennessee. Always giving back to her community, Kathryn founded the Alabama Tale-Tellin' Festival, which takes place each year in Selma.

Kathryn's achievements garnered recognition, both in the State of Alabama and nationally. She received the Alabama Humanities Foundation's Alabama Humanities Award, the University of Alabama's Society of Fine Arts' Alabama Arts Award, the National Storytelling Association's Circle of Excellence Award and Lifetime Achievement Award as well as numerous other distinguished awards and honors throughout her lifetime. Additionally, the Alabama Southern Community College in Thomasville opened the Kathryn Tucker Windham Museum in her honor.

I am honored to have known Kathryn and to have enjoyed her great works of literature and journalism. She was truly an inspiration to her community, the literary world, and the nation. Her legacy will forever be preserved through her timeless stories. My thoughts and prayers are with her friends and family, especially her children, Dilcy Hilley and Ben Windham, as they mourn the loss of this gracious and wonderful woman.

Kathryn cleared a path for women writers and journalists to follow after her and should be revered for her bravery, stamina and grace. Her life's contributions to the State of Alabama will forever be remembered.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. PAUL LECLERC

• Mr. SCHUMER. Mr. President, today I honor Dr. Paul LeClerc, president and chief executive officer of the New York Public Library, NYPL, on the occasion of his retirement. On June 30 of this year, Dr. LeClerc will leave his post at the NYPL, having served as its leader since December 1, 1993. Dr. LeClerc is a true scholar and leader and the New York Public Library and the city of New York will deeply miss his leadership at this iconic institution.

The New York Public Library is one of the preeminent libraries in the world and under Dr. LeClerc's leadership it has implemented a series of initiatives that have made it a world leader in the field of information collecting and distribution. Just to name a few, these achievements include strategic alliances with the most important collections in Western Europe, South America and Russia; creating for the public's use one of the most advanced IT systems in any library; and creating a new Center for Scholars and Writers at the historic Stephen A. Schwarzman Building at Fifth Avenue.

In addition to being at the forefront of research, the New York Public Library's over 90 locations bring services to every neighborhood of the Bronx, Staten Island, and Manhattan. Last year alone, 15.4 million New Yorkers

visited these neighborhood branch libraries looking for services that they can't receive anywhere else; 2.4 million individuals visited the NYPL's four research libraries, accessing many of the collections and programs I have already described; and 25.4 million people from around the world visit the Library's Web site and online collections each year. Dr. LeClerc has overseen all of these magnificent resources and we are so thankful to him for his passion and dedication.

As Dr. LeClerc retires from the library, leaving his mark on its past and future, I would like to ask my colleagues to join with me today in honoring him for his over 17 years of dedication to the New York Public Library, the city of New York, and pursuers of knowledge worldwide.●

BOWDLE, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Bowdle, SD. The town of Bowdle will celebrate its 125th anniversary this year.

Bowdle was founded in 1886 and experienced rapid growth as the rail line running through the town continued to expand westward. Located in Edmunds County, it has now become an agricultural center in the region. It also has a strong local business community and excellent healthcare and educational facilities.

Bowdle has been a successful and thriving community for the past 125 years, and I am confident that it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of Bowdle on this landmark occasion and wish them continued prosperity in the years to come.●

BRYANT, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Bryant, SD. The town of Bryant will celebrate its 125th anniversary this year. Bryant was named after an official of the railroad, as the town came into being when the railroad came through the southwest corner of Hamlin County. Bryant is also home to the Kant Hotel which is listed in the National Register of Historic Places.

Bryant has been a successful and thriving community for the past 125 years and I am confident that it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of Bryant on this important occasion and wish them continued prosperity in the years to come.●

CONDE, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Conde, SD. The town of Conde will celebrate its 125th anniversary this year.

Located in Spink County, Conde was founded in 1886 when W.W. Rounds, Conde's first settler, sold his farm to the Western Town Lot Company. The town was named by the French-born wife of a local railroad executive, who chose to name the town after the fortress of Conde in France.

Today Conde is known for its excellent pheasant and deer hunting, and friendly atmosphere. Conde has been a successful and thriving community for the past 125 years, and I am confident that it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of Conde on this landmark occasion and wish them continued prosperity in the years to come.●

HECLA, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Hecla, SD. The town of Hecla will celebrate its 125th anniversary this year.

Located in Brown County, Hecla was founded in 1886 and was named after a volcano in Iceland. Today Hecla is known for its excellent hunting, abundant bird watching opportunities, and friendly atmosphere.

Hecla has been a successful and thriving community for the past 125 years, and I am confident that it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of Hecla on this landmark occasion and wish them continued prosperity in the years to come.●

LANGFORD, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Langford, SD. The town of Langford will celebrate its 125th anniversary this year.

Langford was founded in 1886 and named after Sam Langford, the owner of the land where the town was built. Located in Marshall County, it is known for its talented high school band and community pride in their high school athletes.

Langford has been a successful and thriving community for the past 125 years, and I am confident that it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of Langford on this landmark date and wish them continued prosperity in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams 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 5:36 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1934. An act to improve certain administrative operations of the Library of Congress, and for other purposes.

H.R. 2112. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

The message also announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 7. Joint resolution providing for the reappointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 9. Joint resolution providing for the reappointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution.

MEASURES REFERRED

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

H.R. 1934. An act to improve certain administrative operations of the Library of Congress, and for other purposes; to the Committee on Rules and Administration.

H.R. 2112. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; to the Committee on Appropriations.

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–2144. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Washington; Decreased Assessment Rate'' (Docket No. AMS–FV–11–946–2 IR; FV11–946–2 IR) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2145. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Blueberry Promotion, Research, and Information Order; Section 610 Review'' (Docket No. AMS–FV–10–0006) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2146. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, Oregon; Termination of Marketing Order 924'' (Docket No. AMS–FV–10–0053; FV10–924–1 FR) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2147. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Softwood Lumber Research, Promotion, Consumer Education and Industry Information Order; Referendum Procedures'' ((RIN0581–AD03) (Docket No. AMS–FV–10–0015; FR–B)) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2148. A communication from the Administrator of the National Organic Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Organic Program; Amendment to the National List of Allowed and Prohibited Substances (Livestock)'' ((RIN0581–AD04) (Docket No. AMS–NOP–10–0051; NOP–10–04FR) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2149. A communication from the Administrator of Cotton and Tobacco Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''User Fees for 2011 Crop Cotton Classification Services to Growers'' ((Doc. No. AMS–CN–10–0111) (CN–11–001)) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2150. A communication from the Acting Administrator of the Livestock and Seed Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Sorghum Promotion and Research Program: State Referendum Results'' (Doc. No. AMS–LS–11–0040) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2151. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Washington; Modification of the Rules and Regulations'' (Doc. No. AMS–FV–11–0024; FV11–946–3IR) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2152. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2011–2012 Marketing Year'' (Doc. No. AMS–FV–10–0094; FV11–985–1FR) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2153. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''United States Standards for Grades of Potatoes'' (Doc. No. AMS–FV–08–0023) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2154. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nectarines and Peaches Grown in California; Suspension of Handling Requirements'' (Doc. No. AMS–FV–11–0019; FV11–916/917–5 IR) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2155. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Grapes Grown in Designated Area Southeastern California; Increased Assessment Rate'' (Doc. No. AMS–FV–10–0104; FV11–925–1FR) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2156. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced From Grapes Grown in California; Increased Assessment Rate'' (Doc. No. AMS–FV–10–0090; FV10–989–3FR) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2157. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''U.S. Honey Producer Research, Promotion, and Consumer Information Order; Termination of Referendum Procedures'' (Doc. No. AMS–FV–07–0094; FV07–706–FR) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2158. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Olives Grown in California; Decreased Assessment Rate'' (Doc. No. AMS–FV–10–0115; FV11–932–1IR) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2159. A communication from the Administrator of the Livestock and Seed Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Federal Seed Act Regulations'' (Doc. No. AMS–LS–08–0002) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2160. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Regulations Issued Under the Export Grape and Plum Act; Revision to the Minimum Requirements'' (Doc. No. AMS–FV–10–0091; FV11–35–1FR) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2161. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Perishable Agricultural Commodities Act: Impact of Post-Default Agreements on Trust Protection Eligibility'' (Doc. No. AMS–FV–09–0047) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2162. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pears Grown in Oregon and Washington; Amendment to Allow Additional Exemptions'' (Doc. No. AMS–FV–10–0072; FV10–927–1FIR) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2163. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Transitional Relief under Internal Revenue Code 6033(j) for Small Organizations'' (Notice 2011–43) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Finance.

EC–2164. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Alternative Simplified Credit under Section 41(c)(5)'' (RIN1545–BH32) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Finance.

EC–2165. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Requirement for Taxpayers Filing Form 5472'' (RIN1545–BK01) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Finance.

EC–2166. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Request for Comments on Funding of Patient–Centered Outcomes Research Through Fees Payable by Issuers of Health Insurance Policies and Self-Insured Health Plan Sponsors'' (Notice 2011–35) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Finance.

EC–2167. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice 2011–49) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Finance.

EC–2168. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Credit for Carbon

Dioxide Sequestration; 2011 Section 45Q Inflation Adjustment Factor'' (Notice 2011–50) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Finance.

EC–2169. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Basis in Stock Acquired in Transferred Basis Transactions'' (Rev. Proc. 2011–35) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Finance.

EC–2170. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including technical data and defense services to Mexico for the manufacturing of the Multiple Integrated Laser Engagement System (MILES) Individual Weapon System (IWS) in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–2171. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Italy to support the Final Assembly and Check-Out Facility (''FACO'') stand-up activities for the F-35Lightning II program in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–2172. A communication from the Chair of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the commission's Semiannual Report of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–2173. A communication from the Chairman of the Broadcasting Board of Governors, transmitting, pursuant to law, the Board's Semiannual Report of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–2174. A communication from the Secretary of Education, transmitting, pursuant to law, the Department of Defense's Semiannual Report of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–2175. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; 28th Annual Humboldt Bay Festival, Fireworks Display, Eureka, CA'' ((RIN1625–AA00) (Docket No. USCG–2011–0167)) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2176. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Chelsea St. Bridge Demolition, Chelsea River, Chelsea, MA'' ((RIN1625–AA00) (Docket No. USCG–2011–0420)) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2177. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Commencement Bay, Tacoma, WA'' ((RIN1625–AA00) (Docket No. USCG–2011–0197)) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2178. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Annual Events Requiring Safety Zones in the Captain of the Port Sault Sainte Marie Zone'' ((RIN1625–AA00) (Docket No. USCG–2011–0188)) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2179. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Ocean City Air Show, Atlantic Ocean, Ocean City, MD'' ((RIN1625–AA00) (Docket No. USCG–2011–0391)) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2180. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Underwater Hazard, Gravesend Bay, Brooklyn, NY'' ((RIN1625–AA00) (Docket No. USCG–2010–1091)) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2181. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Conneaut Festival Fireworks , Conneaut Harbor, Conneaut, OH'' ((RIN1625–AA00) (Docket No. USCG–2011–0214)) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2182. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lorain Independence Day Fireworks, Black River, Lorain, OH'' ((RIN1625–AA00) (Docket No. USCG–2011–0215)) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2183. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Temporary Change to Enforcement Location of Recurring Fireworks Display Event, Currituck Sound; Corolla, NC ((RIN1625–AA00) (Docket No. USCG–2011–0384)) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2184. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Put-In-Bay Fireworks, Fox's the Dock Pier; South Bass Island, Put-In-Bay, OH'' ((RIN1625–AA00) (Docket No. USCG–2011–0417)) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2185. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; M/V Del Monte Live-Fire Gun Exercise, James River, Isle of Wight, VA'' ((RIN1625–AA00) (Docket No. USCG–2011–0427)) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2186. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; M.I.T.'s 150th Birthday Celebration Fireworks, Charles River, Boston, MA'' ((RIN1625–AA00) (Docket No. USCG–2011–0375)) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2187. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Limited Service Domestic Voyage Load Lines for River Barges on Lake Michigan'' ((RIN1625–AA17) (Docket No. USCG–1998–4623)) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2188. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Vessel Traffic Service Lower Mississippi River; Correction'' ((RIN1625–AA58) (Docket No. USCG–1998–4399)) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2189. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events; Severn River, Spa Creek and Annapolis Harbor, Annapolis, MD'' ((RIN1625–AA08) (Docket No. USCG–2011–0046)) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2190. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments'' ((RIN1625–AB69) (Docket No. USCG–2011–0257)) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2191. 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 Increase for the Common Pool Fishery'' (RIN0648–XA429) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2192. 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; Shrimp Fishery Off the Southern Atlantic States; Reopening of Commercial Penaeid Shrimp Trawling Off South Carolina'' (RIN0648–XA431) received in the Office of the President of the Senate on June 15, 2011; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1103. A bill to extend the term of the incumbent Director of the Federal Bureau of Investigation.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Marina Garcia Marmolejo, of Texas, to be United States District Judge for the Southern District of Texas.

Michael Charles Green, of New York, to be United States District Judge for the Western District of New York.

Wilma Antoinette Lewis, of the District of Columbia, to be Judge for the District Court of the Virgin Islands for a term of ten years.

Thomas Gray Walker, of North Carolina, to be United States Attorney for the Eastern District of North Carolina for the term of four years.

Charles F. Salina, of New York, to be United States Marshal for the Western District of New York for the term of four years.

Robert William Mathieson, of Virginia, to be United States Marshal for the Eastern District of Virginia for the term of four years.

Juan Mattos Jr., of New Jersey, to be United States Marshal for the District of New Jersey for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

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

S. 1213. A bill to amend title II of the Social Security Act to extend the solvency of the Social Security Trust Funds by increasing the normal and early retirement ages under the Social Security program and modifying the cost-of-living adjustments in benefits; to the Committee on Finance.

By Mrs. GILLIBRAND (for herself, Mrs. BOXER, Mrs. MURRAY, Mrs. SHAHEEN, and Mr. LAUTENBERG):

S. 1214. A bill to amend title 10, United States Code, regarding restrictions on the use of Department of Defense funds and facilities for abortions; to the Committee on Armed Services.

By Mr. KERRY:

S. 1215. A bill to provide for the exchange of land located in the Lowell National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CORKER:

S. 1216. A bill to waive the requirement that existing traffic signs meet minimum retroreflectivity standards on or before the compliance dates established by the Federal Highway Administration; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. INOUYE, Mr. AKAKA, and Mr. BEGICH):

S. 1217. A bill to amend title XVIII of the Social Security Act to provide coverage for custom fabricated breast prostheses following a mastectomy; to the Committee on Finance.

By Mr. BURR (for himself and Mrs. HAGAN):

S. 1218. A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes; to the Committee on Indian Affairs .

By Mr. BARRASSO (for himself, Mr. ISAKSON, and Mr. VITTER):

S. 1219. A bill to require Federal agencies to assess the impact of Federal action on jobs and job opportunities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CONRAD:

S. 1220. A bill to lessen the dependence of the United States on foreign energy, to promote clean sources of energy, to strengthen the economy of the United States, and for other purposes; to the Committee on Finance.

By Mrs. SHAHEEN (for herself and Ms. COLLINS):

S. 1221. A bill to provide grants to better understand and reduce gestational diabetes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER:

S. 1222. A bill to amend title 31, United States Code, to require accountability and transparency in Federal spending, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. FRANKEN (for himself and Mr. BLUMENTHAL):

S. 1223. A bill to address voluntary location tracking of electronic communications devices, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGAMAN:

S. 1224. A bill to amend Public Law 106–392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery program through fiscal year 2023; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 1225. A bill to transfer certain facilities, easements, and rights-of-way to Fort Sumner Irrigation District, New Mexico; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself, Mr. BEGICH, Mr. INHOFE, Mr. BARRASSO, Mr. HOEVEN, Mr. CORNYN, Mr. BLUNT, Ms. LANDRIEU, Mrs. HUTCHISON, Mr. COATS, Mr. CORKER, Mr. THUNE, and Mr. LUGAR):

S. 1226. A bill to amend the Clean Air Act to address air pollution from Outer Continental Shelf activities; to the Committee on Environment and Public Works.

By Mr. BEGICH:

S. 1227. A bill to improve Arctic health; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WHITEHOUSE (for himself, Mr. GRAHAM, Mr. COONS, and Mr. MCCAIN):

S. 1228. A bill to prohibit trafficking in counterfeit military goods or services; to the Committee on the Judiciary.

By Mr. BEGICH:

S. 1229. A bill to amend the State Department Basic Authorities Act of 1956 to establish a United States Ambassador at Large for Arctic Affairs; to the Committee on Foreign Relations.

By Mr. DURBIN:

S. 1230. A bill to secure public investments in transportation infrastructure; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 209. A resolution congratulating the Dallas Mavericks on winning the 2011 National Basketball Association Championship; considered and agreed to.

By Mr. BROWN of Massachusetts (for himself, Mr. KERRY, Ms. SNOWE, Ms. COLLINS, Mrs. SHAHEEN, Ms. AYOTTE, Mr. REED, Mr. WHITEHOUSE, and Mr. LEAHY):

S. Res. 210. A resolution congratulating the Boston Bruins for winning the 2011 Stanley Cup Championship; considered and agreed to.

By Mr. LEVIN (for himself, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. COCHRAN, Mr. CARDIN, Mr. CORNYN, Mr. HARKIN, Mrs. GILLIBRAND, Mr. LEAHY, Mr. UDALL of Colorado, Mr. BEGICH, Ms. MIKULSKI, Mr. DURBIN, Mr. BROWN of Ohio, Mr. AKAKA, Ms. STABENOW, and Mr. WICKER):

S. Res. 211. A resolution observing the historical significance of Juneteenth Independence Day; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 52

At the request of Mr. INOUYE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 52, a bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes.

S. 119

At the request of Mr. VITTER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 119, a bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

S. 146

At the request of Mr. BAUCUS, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 146, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 384

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

S. 418

At the request of Mr. HARKIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 496

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

S. 506

At the request of Mr. CASEY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 648

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

S. 652

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 652, a bill to facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of an American Infrastructure Financing Authority, to provide for an extension of the exemption from the alternative minimum tax treatment for certain tax—exempt bonds, and for other purposes.

S. 726

At the request of Mr. RUBIO, the names of the Senator from Missouri (Mr. BLUNT), the Senator from Alabama (Mr. SESSIONS), the Senator from South Dakota (Mr. THUNE) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 726, a bill to rescind $45 billion of unobligated discretionary appropriations, and for other purposes.

S. 738

At the request of Ms. STABENOW, the name of the Senator from Hawaii (Mr. INOUYE) 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. 792

At the request of Mr. PRYOR, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 792, a bill to authorize the waiver of certain debts relating to assistance provided to individuals and households since 2005.

S. 815

At the request of Ms. SNOWE, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 815, a bill to guarantee that military funerals are conducted with dignity and respect.

S. 906

At the request of Mr. WICKER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 906, a bill to prohibit taxpayer funded abortions and to provide for conscience protections, and for other purposes.

S. 922

At the request of Mrs. GILLIBRAND, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 922, a bill to amend the Workforce Investment Act of 1998 to authorize the Secretary of Labor to provide grants for Urban Jobs Programs, and for other purposes.

S. 949

At the request of Mrs. SHAHEEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 949, a bill to amend the National Oilheat Research Alliance Act of 2000 to reauthorize and improve that Act, and for other purposes.

S. 960

At the request of Mr. KERRY, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 960, a bill to provide for a study on issues relating to access to intravenous immune globulin (IVG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVG in the home.

S. 965

At the request of Mrs. GILLIBRAND, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 965, a bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for the costs of certain infertility treatments, and for other purposes.

S. 1009

At the request of Mr. RUBIO, the names of the Senator from Missouri (Mr. BLUNT), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Texas (Mr. CORNYN), the Senator from Utah (Mr. HATCH), the Senator from Nebraska (Mr. JOHANNS), the Senator from Alabama (Mr. SESSIONS), the Senator from South Dakota (Mr. THUNE), the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 1009, a bill to rescind certain Federal funds identified by States as unwanted and use the funds to reduce the Federal debt.

S. 1025

At the request of Mr. LEAHY, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1039

At the request of Mr. CARDIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1059

At the request of Mr. THUNE, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1059, a bill to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act.

S. 1113

At the request of Ms. MURKOWSKI, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 1113, a bill to facilitate the reestablishment of domestic, critical mineral designation, assessment, production, manufacturing, recycling, analysis, forecasting, workforce, education, research, and international capabilities in the United States, and for other purposes.

S. 1174

At the request of Ms. STABENOW, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1174, a bill to provide predictability and certainty in the tax law, create jobs, and encourage investment.

S. 1189

At the request of Mr. PORTMAN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1189, a bill to amend the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) to provide for regulatory impact analyses for certain rules, consideration of the least burdensome regulatory alternative, and for other purposes.

S. 1206

At the request of Mr. ROCKEFELLER, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1206, a bill to amend title XVIII of the Social Security Act to require drug manufacturers to provide drug rebates for drugs dispensed to low-income individuals under the Medicare prescription drug benefit program.

S.J. RES. 17

At the request of Mr. MCCONNELL, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 175

At the request of Mrs. SHAHEEN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. Res. 175, a resolution expressing the sense of the Senate with respect to ongoing violations of the territorial integrity and sovereignty of Georgia and the importance of a peaceful and just resolution to the conflict within Georgia's internationally recognized borders.

S. RES. 185

At the request of Mr. CARDIN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. Res. 185, a resolution reaffirming the commitment of the United States to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations, reaffirming opposition to the inclusion of Hamas in a unity government unless it is willing to accept peace with Israel and renounce violence, and declaring that Palestinian efforts to gain recognition of a state outside direct negotiations demonstrates absence of a good faith commitment to peace negotiations, and will have implications for continued United States aid.

S. RES. 202

At the request of Mr. CONRAD, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. Res. 202, a resolution designating June 27, 2011, as ''National Post-Traumatic Stress Disorder Awareness Day''.

AMENDMENT NO. 424

At the request of Mr. JOHANNS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 424 intended to be proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

AMENDMENT NO. 433

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 433 intended to be proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

AMENDMENT NO. 467

At the request of Ms. AYOTTE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 467 intended to be proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

AMENDMENT NO. 468

At the request of Mrs. HUTCHISON, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 468 intended to be proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

AMENDMENT NO. 476

At the request of Mrs. FEINSTEIN, the names of the Senator from Virginia (Mr. WEBB), the Senator from Maine (Ms. COLLINS), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 476 proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 1213. A bill to amend title II of the Social Security Act to extend the solvency of the Social Security Trust Funds by increasing the normal and early retirement ages under the Social Security program and modifying the cost-of-living adjustments in benefits; to the Committee on Finance.

Mrs. HUTCHISON. 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. 1213

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 ''Defend and Save Social Security Act''.

SEC. 2. ADJUSTMENT TO NORMAL AND EARLY RETIREMENT AGE.

(a) IN GENERAL.—Section 216(l) of the Social Security Act (42 U.S.C. 416(l)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking ''2017'' and inserting ''2016''; and

(B) by striking subparagraphs (D) and (E) and inserting the following new subparagraphs:

''(D) with respect to an individual who—

''(i) attains 62 years of age after December 31, 2015, and before January 1, 2024, such individual's early retirement age (as determined under paragraph (2)(A)) plus 48 months; or

''(ii) receives a benefit described in paragraph (2)(B) and attains 60 years of age after December 31, 2015, and before January 1, 2024, 66 years of age plus the number of months in the age increase factor (as determined under paragraph (4)(A)(i));

''(E) with respect to an individual who—

''(i) attains 62 years of age after December 31, 2023, and before January 1, 2027, 68 years of age plus the number of months in the age increase factor (as determined under paragraph (4)(B)(ii)); or

''(ii) receives a benefit described in paragraph (2)(B) and attains 60 years of age after December 31, 2023, and before January 1, 2027, 68 years of age plus the number of months in the age increase factor (as determined under paragraph (4)(B)(i)); and

''(F) with respect to an individual who—

''(i) attains 62 years of age after December 31, 2026, 69 years of age; or

''(ii) receives a benefit described in paragraph (2)(B) and attains 60 years of age after December 31, 2026, 69 years of age.'';

(2) by amending paragraph (2) to read as follows:

''(2) The term 'early retirement age' means—

''(A) in the case of an old-age, wife's, or husband's insurance benefit—

''(i) 62 years of age with respect to an individual who attains such age before January 1, 2016;

''(ii) with respect to an individual who attains 62 years of age after December 31, 2015, and before January 1, 2023, 62 years of age plus the number of months in the age increase factor (as determined under paragraph (4)(A)(ii)) for the calendar year in which such individual attains 62 years of age; and

''(iii) with respect to an individual who attains age 62 after December 31, 2022, 64 years of age; or

''(B) in the case of a widow's or widower's insurance benefit, 60 years of age.'';

(3) by striking paragraph (3) and inserting the following:

''(3) With respect to an individual who attains early retirement age in the 5-year period consisting of the calendar years 2000 through 2004, the age increase factor shall be equal to two-twelfths of the number of months in the period beginning with January 2000 and ending with December of the year in which the individual attains early retirement age.''; and

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

''(4) The age increase factor shall be equal to three-twelfths of the number of months in the period—

''(A) beginning with January 2016 and ending with December of the year in which—

''(i) for purposes of paragraphs (1)(D)(ii), the individual attains 60 years of age; or

''(ii) for purposes of paragraph (2)(A)(ii), the individual attains 62 years of age; and

''(B) beginning with January 2024 and ending with December of the year in which—

''(i) for purposes of (1)(E)(ii), the individual attains 60 years of age; or

''(ii) for purposes of (1)(E)(i), the individual attains 62 years of age.''.

(b) CONFORMING INCREASE IN NUMBER OF ELAPSED YEARS FOR PURPOSES OF DETERMINING PRIMARY INSURANCE AMOUNT.—Section 215(b)(2)(B)(iii) of such Act (42 U.S.C. 415(b)(2)(B)(iii)) is amended by striking ''age 62'' and inserting ''early retirement age (or, in the case of an individual who receives a benefit described in section 216(l)(2)(B), 62 years of age)''.

SEC. 3. COST-OF-LIVING ADJUSTMENT.

Section 215(i) of the Social Security Act (42 U.S.C. 415(i)) is amended—

(1) in paragraph (1)(D), by inserting ''subject to paragraph (6),'' before ''the term''; and

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

''(6)(A) Subject to subparagraph (B), with respect to a base quarter or cost-of-living computation quarter in any calendar year after 2010, the term 'CPI increase percentage' means the percentage determined under paragraph (1)(D) for the quarter reduced (but not below zero) by 1 percentage point.

''(B) The reduction under subparagraph (A) shall apply only for purposes of determining the amount of benefits under this title and not for purposes of determining the amount of, or any increases in, benefits under other

provisions of law which operate by reference to increases in benefits under this title.''.

By Mr. WARNER:

S. 1222. A bill to amend title 31, United States Code, to require accountability and transparency in Federal spending, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. WARNER. Mr. President, I rise today to introduce an important new piece of legislation—the Digital Accountability and Transparency Act, or DATA Act.

Sine I have been in Washington, I have been frustrated by the lack of transparency and useful spending information to help inform the decision-making process. Our taxpayers deserve to clearly see how their tax dollars are spent.

As Chairman of the Budget Committee's Task Force on Government Performance, I have been working to improve the outcomes and results of our Federal investments.

Last year, we passed the Government Performance and Results Modernization Act to more frequently track government outcomes and to help reduce overlap and duplication. Today, I will introduce the DATA Act to help bring a new level of transparency to our Federal spending.

I want to start by acknowledging the work of the administration and the Recovery Accountability and Transparency Board—this legislation was built off the important work they have been leading to reduce waste for the Recovery Act investments.

Under Vice President BIDEN's leadership, supported by the Recovery Board Chairman Earl Devaney—they have established a new standard for government accountability. The results are impressive.

Out of more than 200,000 Recovery Act fund recipients—there are only 7 recipients that have not filed their required financial reports.

I also need to mention the leadership at the Office of Management and Budget—including director Jack Lew and our chief performance officer Jeff Zients. OMB led the charge with the Recovery Board to ensure the accountability of the Recovery Act funds and have made transparency an important goal government-wide.

The administration, the Recovery Board and OMB have proved that government can respond to the demand for more transparency and accountability. Now we need to expand the Recovery Act model across the whole government. The DATA Act does just that.

First, this legislation will require recipients of Federal funds and government agencies to report spending data into one transparent online portal. Much like they did for Recovery Act funds.

This data will be analyzed and compared proactively in order to identify and prevent waste, fraud and abuse before it happens. There are tremendous opportunities to reduce improper payments by applying the Recovery Board's fraud prevention tactics to the entire Federal Government.

This legislation will also create a new Board to oversee transparency efforts and set consistent standards for data across the entire Federal Government. Board membership will be comprised of a select group that will include senior OMB officials, agency Deputy Secretaries and Inspectors General.

All this information will be made publicly available so the American people can track taxpayer funds more closely.

This legislation will create a new structure that could help coordinate and reduce duplicative reporting requirements and burdens felt by many governments, nonprofits and businesses.

Finally, this legislation is an example of how Washington should work. It builds off the work of the administration and the Recovery Board, the work of Chairman DARRELL ISSA in the House and now with the introduction of this legislation in the Senate. By working together in a bipartisan way, we will have the strongest proposal that is poised to change the way the government does business.

I must thank Chairman DARRELL ISSA of California for his leadership on developing this legislation. He has been working tirelessly on improving transparency for years—even starting a House Caucus on Transparency to rally his colleagues on the subject.

I am pleased to be his partner in offering this legislation.

I look forward to working with my colleagues in the Senate and with the administration to make refinements to this legislation and to move forward with this bill.

By Mr. FRANKEN (for himself and Mr. BLUMENTHAL):

S. 1223. A bill to address voluntary location tracking of electronic communications devices, and for other purposes; to the Committee on the Judiciary.

Mr. FRANKEN. 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. 1223

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 ''Location Privacy Protection Act of 2011''.

SEC. 2. DEFINITION.

In this Act, the term ''geolocation information'' has the meaning given that term in section 2713 of title 18, United States Code, as added by this Act.

SEC. 3. VOLUNTARY LOCATION TRACKING OF ELECTRONIC COMMUNICATIONS DEVICES.

(a) IN GENERAL.—Chapter 121 of title 18, United States Code, is amended by adding at the end the following:

''§ 2713. Voluntary location tracking of electronic communications devices

''(a) DEFINITIONS.—In this section—

''(1) the term 'covered entity' means a nongovernmental individual or entity engaged in the business, in or affecting interstate or foreign commerce, of offering or providing a service to electronic communications devices, including, but not limited to, offering or providing electronic communication service, remote computing service, or geolocation information service;

''(2) the term 'electronic communications device' means any device that—

''(A) enables access to, or use of, an electronic communications system, electronic communication service, remote computing service, or geolocation information service; and

''(B) is designed or intended to be carried by or on the person of an individual or travel with the individual, including, but not limited to, a vehicle the individual drives;

''(3) the term 'express authorization' means express affirmative consent after receiving clear and prominent notice that—

''(A) is displayed by the electronic communications device, separate and apart from any final end user license agreement, privacy policy, terms of use page, or similar document; and

''(B) provides information regarding—

''(i) what geolocation information will be collected; and

''(ii) the specific nongovernmental entities to which the geolocation information may be disclosed;

''(4) the term 'geolocation information'—

''(A) means any information—

''(i) concerning the location of an electronic communications device that is in whole or in part generated by or derived from the operation or use of the electronic communications device; and

''(ii) that may be used to identify or approximate the location of the electronic communications device or the individual that is using the device; and

''(B) does not include any temporarily assigned network address or Internet protocol address of the individual; and

''(5) the term 'geolocation information service' means the provision of a global positioning service or other mapping, locational, or directional information service.

''(b) COLLECTION OR DISCLOSURE OF GEOLOCATION INFORMATION TO OR BY NONGOVERNMENTAL ENTITIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a covered entity may not knowingly collect, receive, record, obtain, or disclose to a nongovernmental individual or entity the geolocation information from an electronic communications device without the express authorization of the individual that is using the electronic communications device.

''(2) EXCEPTIONS.—A covered entity may knowingly collect, receive, record, obtain, or disclose to a nongovernmental individual or entity the geolocation information from an electronic communication device without the express authorization of the individual that is using the electronic communications device if the covered entity has a good faith belief that the collection, receipt, recording, obtaining, or disclosure is—

''(A) necessary to locate a minor child or provide fire, medical, public safety, or other emergency services;

''(B) for the sole purpose of transmitting the geolocation information to the individual or another authorized recipient, including another third party authorized under this subparagraph; or

''(C) expressly required by statute, regulation, or appropriate judicial process.

''(c) ANTI-CYBERSTALKING PROTECTION.—Not earlier than 24 hours, and not later than 7 days, after the time an individual provides express authorization to a covered entity providing a geolocation information service to the individual for the express purpose of authorizing disclosure of geolocation information relating to the individual to another individual, the covered entity shall provide the individual a verification displayed by the electronic communications device that informs the individual—

''(1) that geolocation information relating to the individual is being disclosed to another individual; and

''(2) how the individual may revoke consent to the collection, receipt, recording, obtaining, and disclosure of geolocation information relating to the individual.

''(d) CIVIL REMEDIES.—

''(1) ACTION BY ATTORNEY GENERAL OF THE UNITED STATES.—If the Attorney General of the United States has reasonable cause to believe that an individual or entity is violating this section, the Attorney General may bring a civil action in an appropriate United States district court.

''(2) ACTION BY STATE ATTORNEYS GENERAL.—If the attorney general of a State has reasonable cause to believe that an interest of the residents of the State has been or is threatened or adversely affected by a violation of this section, the attorney general of the State may bring a civil action on behalf of the residents of the State in an appropriate United States district court.

''(3) RIGHT OF ACTION.—Any individual aggrieved by any action of an individual or entity in violation of this section may bring a civil action in an appropriate United States district court.

''(4) PENDING PROCEEDINGS.—

''(A) FEDERAL ACTION.—If the Attorney General has brought a civil action alleging a violation of this section, an attorney general of a State or private person may not bring a civil action under this subsection against a defendant named in the civil action relating to a violation of this section that is alleged in the civil action while the civil action is pending.

''(B) STATE ACTION.—If the attorney general of a State has brought a civil action alleging a violation of this section, an individual may not bring a civil action under this subsection against a defendant named in the civil action for a violation of this section that is alleged in the civil action while the civil action is pending.

''(5) RELIEF.—In a civil action brought under this subsection, the court may award—

''(A) actual damages, but not less than damages in the amount of $2,500;

''(B) punitive damages;

''(C) reasonable attorney's fees and other litigation costs reasonably incurred; and

''(D) such other preliminary or equitable relief as the court determines to be appropriate.

''(6) PERIOD OF LIMITATIONS.—No civil action may be brought under this subsection unless such civil action is begun within 2 years from the date of the act complained of or the date of discovery.

''(7) LIMITATION ON LIABILITY.—A civil action may not be brought under this subsection relating to any collection, receipt, recording, obtaining, or disclosure of geolocation information that is authorized under any other provision of law or appropriate legal process.

''(e) EFFECTS ON OTHER LAW.—

''(1) IN GENERAL.—This section shall supersede a provision of the law of a State or political subdivision of a State that requires or allows collection or disclosure of geolocation information prohibited by this section.

''(2) COMMON CARRIERS AND CABLE SERVICES.—This section shall not apply to the activities of an individual or entity to the extent the activities are subject to section 222 or 631 of the Communications Act of 1934 (47 U.S.C. 222 and 551).''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 121 of title 18, United States Code, is amended—

(1) in the table of sections, by adding at the end the following:

''2713. Voluntary location tracking of electronic communications devices.''; and

(2) in section 2702—

(A) in subsection (b), by striking ''A provider'' and inserting ''Except as provided under section 2713, a provider''; and

(B) in subsection (c), by striking ''A provider'' and inserting ''Except as provided under section 2713, a provider''.

SEC. 4. GEOLOCATION INFORMATION USED IN INTERSTATE DOMESTIC VIOLENCE OR STALKING.

(a) IN GENERAL.—Chapter 110A of title 18, United States Code, is amended—

(1) by redesignating section 2266 as section 2267;

(2) by inserting after section 2265 the following:

''§ 2266. Geolocation information used in interstate domestic violence or stalking

''(a) OFFENSES; UNAUTHORIZED DISCLOSURE OF GEOLOCATION INFORMATION IN AID OF INTERSTATE DOMESTIC VIOLENCE OR STALKING.—A covered entity that—

''(1) knowingly and willfully discloses geolocation information about an individual to another individual;

''(2) knew that a violation of section 2261, 2261A, or 2262 would result from the disclosure; and

''(3) intends to aid in a violation of section 2261, 2261A, or 2262 as a result of the disclosure, shall be punished as provided in subsection (b).

''(b) PENALTIES.—A covered entity that violates subsection (a) shall be fined under this title, imprisoned for not more than 2 years, or both.''; and

(3) in section 2267, as so redesignated, by adding at the end the following:

''(11) COVERED ENTITY; GEOLOCATION INFORMATION.—The terms 'covered entity' and 'geolocation information' have the meanings given those terms in section 2713.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 10.—Section 1561a(b) of title 10, United States Code, is amended by striking ''section 2266(5)'' and inserting ''section 2267(5)''.

(2) TITLE 18.—Title 18, United States Code, is amended—

(A) in section 1992(d)(14), by striking ''section 2266'' and inserting ''section 2267''; and

(B) in chapter 110A—

(i) in the table of sections, by striking the item relating to section 2266 and inserting the following:

''2266 Geolocation information used in interstate domestic violence or stalking.

''2267. Definitions.''; and

(ii) in section 2261(b)(6), by striking ''section 2266 of title 18, United States Code,'' and inserting ''section 2267''.

(3) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Section 2011(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–5(c)) is amended by striking ''section 2266'' and inserting ''section 2267''.

SEC. 5. SALE OF GEOLOCATION INFORMATION OF YOUNG CHILDREN.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended—

(1) by inserting after section 2252C the following:

''§ 2252D. Sale of geolocation information of young children

''Any person who knowingly and willfully sells the geolocation information of not less than 1,000 children under 11 years of age shall be fined under this title, imprisoned for not more 2 years, or both.''; and

(2) in section 2256—

(A) in paragraph (8), by striking the period at the end and inserting a semicolon;

(B) in paragraph (9), by striking the period at the end and inserting a semicolon;

(C) in paragraph (10), by striking ''and'' at the end;

(D) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(12) the term 'geolocation information' has the meaning given that term in section 2713.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2252C the following:

''2252D. Sale of geolocation information of young children.''.

SEC. 6. NATIONAL BASELINE STUDY OF USE OF GEOLOCATION DATA IN VIOLENCE AGAINST WOMEN.

(a) IN GENERAL.—The National Institute of Justice, in consultation with the Office on Violence Against Women, shall conduct a national baseline study to examine the role of geolocation information in violence against women.

(b) SCOPE.—

(1) IN GENERAL.—The study conducted under subsection (a) shall examine the role that various new technologies that use geolocation information may have in the facilitation of domestic violence, dating violence, or stalking, including, but not limited to—

(A) global positioning system technology;

(B) smartphone mobile applications;

(C) in-car navigation devices; and

(D) geo-tagging technology.

(2) EVALUATION.—The study conducted under subsection (a) shall evaluate the effectiveness of the responses of Federal, State, tribal, and local law enforcement agencies to the conduct described in paragraph (1).

(3) RECOMMENDATIONS.—The study conducted under subsection (a) shall propose recommendations to improve the effectiveness of the responses of Federal, State, tribal, and local law enforcement agencies to the conduct described in paragraph (1).

(c) TASK FORCE.—

(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall establish a task force to assist in the development and implementation of the study conducted under subsection (a) and guide implementation of the recommendations proposed under subsection (b)(3).

(2) MEMBERS.—The task force established under paragraph (1) shall include—

(A) representatives from—

(i) the National Institute of Standards and Technology; and

(ii) the Federal Trade Commission; and

(B) representatives appointed by the Director of the Office on Violence Against Women from—

(i) the offices of attorney generals of States;

(ii) national violence against women nonprofit organizations; and

(iii) the industries related to the technologies described in subsection (b)(1).

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committee

on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that describes the results of the study conducted under subsection (a).

SEC. 7. GEOLOCATION CRIME REPORTING CENTER.

(a) IN GENERAL.—The Attorney General, acting through the Director of the Federal Bureau of Investigation, and in conjunction with the Director of the Bureau of Justice Assistance, shall create a mechanism using the Internet Crime Complaint Center to register complaints of crimes the conduct of which was aided by use of geolocation information.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Attorney General, acting through the Director of the Federal Bureau of Investigation, and in conjunction with the Director of the Bureau of Justice Assistance, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

(1) discusses the information obtained using the mechanism created under subsection (a);

(2) evaluates the potential risks that the widespread availability of geolocation information poses in increasing crimes against person and property;

(3) describes programs of State and municipal governments intended to reduce these risks; and

(4) makes recommendations on measures that could be undertaken by Congress to reduce or eliminate these risks.

SEC. 8. NATIONAL GEOLOCATION CURRICULUM DEVELOPMENT.

The Attorney General shall develop a national education curriculum for use by State and local law enforcement agencies, judicial educators, and victim service providers to ensure that all courts, victim advocates, and State and local law enforcement personnel have access to information about relevant laws, practices, procedures, and policies for investigating and prosecuting the misuse of geolocation information.

By Mr. DURBIN:

S. 1230. A bill to secure public investments in transportation infrastructure; to the Committee on Commerce, Science, and Transportation.

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. 1230

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Taxpayers in Transportation Asset Transfers Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ASSET TRANSACTION.—The term ''asset transaction'' means—

(A) a concession agreement for a public transportation asset; or

(B) a contract for the sale or lease of a public transportation asset between the State or local government with jurisdiction over the public transportation asset and a private individual or entity.

(2) CONCESSION AGREEMENT.—

(A) IN GENERAL.—The term ''concession agreement'' means an agreement entered into by a private individual or entity and a State or local government with jurisdiction over a public transportation asset to convey to the private individual or entity the right to manage, operate, and maintain the public transportation asset for a specific period of time in exchange for the authorization to impose and collect a toll or other user fee from a person for each use of the public transportation asset during that period.

(B) EXCLUSION.—The term ''concession agreement'' does not include an agreement entered into by a State or local government and a private individual or entity for the construction of any new public transportation asset.

(3) PUBLIC TRANSPORTATION ASSET.—

(A) IN GENERAL.—The term ''public transportation asset'' means a transportation facility of any kind that was or is constructed, maintained, or upgraded before, on, or after the date of enactment of this Act using Federal funds—

(i)(I) the fair market value of which is more than $500,000,000, as determined by the Secretary; and

(II) that has received any Federal funding, as of the date on which the determination is made;

(ii) the fair market value of which is less than or equal to $500,000,000, as determined by the Secretary; and

(I) that has received $25,000,000 or more in Federal funding, as of the date on which the determination is made; or

(iii) in which a significant national pubic interest (such as interstate commerce, homeland security, public health, or the environment) is at stake, as determined by the Secretary.

(B) INCLUSIONS.—The term ''public transportation asset'' includes a transportation facility described in subparagraph (A) that is—

(i) a Federal-aid highway (as defined in section 101 of title 23, United States Code);

(ii) a highway or mass transit project constructed using amounts made available from the Highway Account or Mass Transit Account, respectively, of the Highway Trust Fund;

(iii) an air navigation facility (as defined in section 40102(a) of title 49, United States Code); or

(iv) a train station or multimodal station that receives a Federal grant, including any grant authorized under the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432; 122 Stat. 4907) or an amendment made by that Act.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 3. PROGRAM TO SECURE PUBLIC INVESTMENTS IN TRANSPORTATION INFRASTRUCTURE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program under which a Federal lien shall be attached to each public transportation asset.

(b) PROHIBITION ON SALES AND LEASES.—

(1) IN GENERAL.—A public transportation asset to which a lien is attached under subsection (a) may not be the subject of any asset transaction unless—

(A) the lien is released in accordance with paragraph (2);

(B)(i) the private individual or entity seeking the asset transaction enters into an agreement with the Secretary described in paragraph (3)(A)(i); and

(ii) the State or local government or other public sponsor seeking the asset transaction enters into an agreement with the Secretary described in paragraph (3)(A)(ii);

(C) the Secretary publishes a disclosure in accordance with paragraph (4); and

(D) the State or local government seeking the asset transaction provides for public notice and an opportunity to comment on the proposed asset transaction.

(2) RELEASE OF LIENS.—

(A) IN GENERAL.—A lien on a public transportation asset described in paragraph (1) may be released only if—

(i) the State or local government or other public sponsor seeking the asset transaction for the public transportation asset pays to the Secretary an amount determined by the Secretary under subparagraph (B); and

(ii) the Secretary certifies that the required agreements described in paragraph (3) have been signed, and the terms of the agreements incorporated into the terms of the asset transaction, for the public transportation asset.

(B) DETERMINATION OF REPAYMENT AMOUNT.—The Secretary shall determine the amount that is required to be paid for the release of a Federal lien on a public transportation asset under this paragraph, taking into account, at a minimum—

(i) the total amount of Federal funds that have been expended to construct, maintain, or upgrade the public transportation asset;

(ii) the amount of Federal funding received by a State or local government based on inclusion of the public transportation asset in calculations using Federal funding formulas or for Federal block grants;

(iii) the reasonable depreciation of the public transportation asset, including the amount of Federal funds described in clause (i) that may be offset by that depreciation; and

(iv) the loss of Federal tax revenue from bonds relating to, and the tax consequences of depreciation of, the public transportation asset.

(3) AGREEMENTS.—

(A) IN GENERAL.—As a condition of any new or renewed asset transaction for a public transportation asset—

(i) the private individual or entity seeking the asset transaction shall enter into an agreement with the Secretary, which shall be incorporated into the terms of the asset transaction, under which the private individual or entity agrees—

(I) to disclose and eliminate any conflict of interest involving any party to the agreement;

(II)(aa) to adequately maintain the condition and performance of the public transportation asset during the term of the asset transaction; and

(bb) on the end of the term of the asset transaction, to return the public transportation asset to the applicable State or local government in a state of good repair;

(III) to disclose an estimated amount of tax benefits and financing transactions over the life of the lease resulting from the lease or sale of the public transportation asset;

(IV) to disclose anticipated changes in the workforce and wages, benefits, or rules over the life of the lease and an estimate of the amount of savings from those changes; and

(V) to provide an estimate of the revenue the transportation asset will produce for the private entity during the lease or sale period; and

(ii) the State or local government or other public sponsor seeking the asset transaction for the public transportation asset shall enter into an agreement with the Secretary, which shall be incorporated into the terms of the asset transaction, under which the State or local government or other public sponsor agrees—

(I) to pay to the Secretary the amount determined by the Secretary under paragraph (2)(B);

(II) to conduct an assessment of whether, and provide justification that, the asset transaction with the private entity would

represent a better public and financial benefit than a similar transaction using public funding or with a public (as opposed to private) entity, including an assessment of—

(aa) the loss of toll revenues and other user fees relating to the public transportation asset; and

(bb) any impacts on other public transportation assets in the vicinity of the public transportation asset covered by the asset transaction;

(III) that, if the private individual or entity enters into bankruptcy, becomes insolvent, or fails to comply with all terms and conditions of the asset transaction—

(aa) the asset transaction shall immediately terminate; and

(bb) the interest in the public transportation asset conveyed by the asset transaction will immediately revert to the public sponsor;

(IV) to provide an estimate of all increased tolls and other user fees that may be charged to persons using the public transportation asset during the term of the asset transaction;

(V) to disclose any plans the State or local government seeking the asset transaction has for up-front payments or concessions from the private individual or entity seeking the asset transaction;

(VI) that the Federal Government and the applicable State and local governments will retain respective authority and control over decisions regarding transportation planning and management; and

(VII) to prominently post or display the agreement on the website of the local government or public sponsor.

(B) TERM.—An agreement under this paragraph shall not exceed a reasonable term, as determined by the Secretary, in consultation with the relevant State or local government.

(4) PUBLICATION OF DISCLOSURE.—Not later than 90 days before the date on which an asset transaction covering a public transportation asset takes effect, the Secretary shall publish in the Federal Register a notice that contains—

(A) a copy of all agreements relating to the asset transaction between the Secretary and the public and private sponsors involved;

(B) a description of the total amount of Federal funds that have been expended as of the date of publication of the notice to construct, maintain, or upgrade the public transportation asset;

(C) the determination of the repayment amount under paragraph (2)(B) for the public transportation asset;

(D) the amount of Federal funding received by a State or local government based on inclusion of the public transportation asset in calculations using Federal funding formulas or for Federal block grants; and

(E) a certification that the asset transaction will not adversely impact the national public interest of the United States (including the interstate commerce, homeland security, public health, and environment of the United States).

(5) RENEWAL OF ASSET TRANSACTION.—An asset transaction that expires or terminates may be renewed only if—

(A) the Secretary—

(i) calculates a new repayment amount under paragraph (2)(B) required for renewal, as the Secretary determines to be appropriate;

(ii) takes into consideration the impact of a renewed agreement on nearby public transportation assets; and

(iii) publishes a new disclosure for the renewed agreement in accordance with paragraph (4); and

(B) the State or local government seeking to renew the asset transaction—

(i) provides for public notice and an opportunity to comment on the proposed renewal;

(ii) pays to the Secretary the new amount calculated by the Secretary pursuant to subparagraph (A)(i); and

(iii) enters into a new agreement in accordance with paragraph (3) for the renewal.

(c) AMTRAK.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may permit a private individual or entity to enter into an asset transaction covering all or any portion of the facilities and equipment of the National Railroad Passenger Corporation (referred to in this subsection as ''Amtrak'').

(2) CONDITIONS.—A private individual or entity that seeks to enter into an asset transaction described in paragraph (1) shall agree—

(A) to enter into an agreement described in subsection (b)(3) with the Secretary covering the asset transaction; and

(B) to pay to the Secretary an amount equal to the amount of Federal funds provided for Amtrak during the period of fiscal year 1971 through the fiscal year in which an agreement described in subsection (b)(3) covering the asset transaction is entered into, as adjusted by, as determined by the Secretary—

(i) the reasonable depreciation of the portion of Amtrak facilities and equipment covered by the agreement, including that amount of Federal funds provided for Amtrak that may be offset by that depreciation;

(ii) the amount of Federal funding received by a State or local government to upgrade any capital facilities owned or operated by Amtrak to facilitate passenger rail service; and

(iii) the loss of Federal tax revenue from bonds, Federal financing, or any tax advantages granted to Amtrak since fiscal year 1971, including financing and bonding covered by or provided under the Taxpayer Relief Act of 1997 (Public Law 105–34; 111 Stat. 788) or an amendment made by that Act.

(3) TERM, DISCLOSURE, AND RENEWAL.—Paragraphs (3)(B), (4), and (5) of subsection (b) shall apply to an asset transaction entered into under this subsection.

(d) USE OF FUNDS BY SECRETARY.—Funds received by the Secretary as a payment under paragraph (2)(A)(i) or (5)(B)(ii) of subsection (b) or subsection (c)(2)(B) shall be available to and used by the Secretary, without further appropriation and to remain available until expended, for transportation projects and activities in the same transportation mode as the mode of the public transportation asset for which the payment was received.

(e) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to implement this Act.

(f) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress and publish in the Federal Register a report that describes each public transportation asset that is the subject of an asset transaction during the year covered by the report, including the total amount of Federal funds that were received by a State or local government to construct, maintain, or upgrade the public transportation asset as of the date of submission of the report.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act such sums as are necessary.

SEC. 4. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 209—CONGRATULATING THE DALLAS MAVERICKS ON WINNING THE 2011 NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted the following resolution; which was considered and agreed to:

S. RES. 209

Whereas the Dallas Mavericks finished the 2010–11 National Basketball Association (NBA) season with a 57–25 record;

Whereas, during the 2011 NBA Playoffs, the Mavericks defeated the Portland Trailblazers, Los Angeles Lakers, Oklahoma City Thunder, and Miami Heat en route to the NBA Championship;

Whereas the Mavericks epitomized a ''never say die'' attitude during the 2011 NBA Finals, overcoming losses in games 1 and 3 of the NBA Finals with thrilling fourth quarter comebacks in games 2, 4, and 5 to take a 3–2 series lead;

Whereas, on June 12, 2011, the Mavericks won the 2011 NBA Championship in 6 games over the Miami Heat;

Whereas the Mavericks owner Mark Cuban never wavered in his commitment to bring an NBA championship to Dallas, fulfilling the vision of founding owner Don Carter and past owner Ross Perot, Jr.;

Whereas the President of Basketball Operations and General Manager Donnie Nelson built a team complete with depth, versatility, and humility;

Whereas third-year Head Coach Rick Carlisle and his assistants helped transform the Mavericks from a perennial playoff contender into the NBA's best;

Whereas Dirk Nowitzki, who has spent his entire 13-year career with the Mavericks, overcame injury and illness to average 26 points and 9.6 rebounds per game during the NBA Finals, earning the NBA Finals Most Valuable Player Award;

Whereas longtime Mavericks guard Jason Terry scored a game high 27 points in game 6 to carry the Mavericks to the championship;

Whereas 17-year NBA veteran Jason Kidd set the tone for the Mavericks' success through his patient, calm, and disciplined leadership;

Whereas Shawn Marion, Tyson Chandler, DeShawn Stevenson, and Jose Juan ''J.J.'' Barea provided balance on offense and defense to help pave the way to the championship;

Whereas the Mavericks bench was pivotal to the team's championship, with valuable contributions being made by the entire roster, including guard Rodrigue Beaubois, forward Corey Brewer, forward Caron Butler, forward Brian Cardinal, center Brendan Haywood, guard Dominique Jones, center Ian Mahinmi, and forward Peja Stojakovic; and

Whereas the Mavericks gave the city of Dallas its first NBA Championship, a unique and special accomplishment for Mavericks fans throughout the Dallas/Fort Worth Metroplex and around the world: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Dallas Mavericks for their outstanding heart, resolve, and determination in winning the 2011 National Basketball Association Championship; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) Mavericks head coach Rick Carlisle;

(B) Mavericks general manager Donnie Nelson; and

(C) Mavericks owner Mark Cuban.

SENATE RESOLUTION 210—CONGRATULATING THE BOSTON BRUINS FOR WINNING THE 2011 STANLEY CUP CHAMPIONSHIP

Mr. BROWN of Massachusetts (for himself, Mr. KERRY, Ms. SNOWE, Ms. COLLINS, Mrs. SHAHEEN, Ms. AYOTTE, Mr. REED of Rhode Island, Mr. WHITEHOUSE, and Mr. LEAHY) submitted the following resolution; which was considered and agreed to:

S. RES. 210

Whereas on Wednesday, June 15, 2011, the Boston Bruins, the oldest National Hockey League (NHL) franchise in the United States, brought the Stanley Cup back to Boston for the first time in 39 years;

Whereas to accomplish this feat, the Bruins defeated the Vancouver Canucks, the team with the best record in the NHL during the regular season, in Game 7 of the Stanley Cup Finals;

Whereas the Bruins became the first team in NHL history to win 3 deciding Game 7's during a single playoff run and twice came back from 0–2 series deficits;

Whereas Bruins goaltender Tim Thomas won the Conn Smythe trophy, which is awarded to the player deemed most valuable to his team during the Stanley Cup playoffs;

Whereas Tim Thomas shut out the Canucks in the deciding game of the Finals, and allowed only 8 goals over the 7 game series;

Whereas Bruins rookie Brad Marchand scored 11 goals in the playoffs, setting a team record for playoff goals by a rookie, and tying for the second-most playoff goals by a rookie in NHL history;

Whereas Bruins right wing Mark Recchi hoisted his third Stanley Cup, and is retiring as a champion after 1,652 NHL regular-season games and 190 playoff games;

Whereas Bruins captain Zdeno Chara, at 6 feet, 9 inches tall, lifted the Stanley Cup as high above the ice as it has ever been lifted;

Whereas Bruins General Manager Peter Chiarelli made key trades near the trade deadline to put the Bruins in a position for a Stanley Cup run, acquiring Tomas Kaberle, Rich Peverley, and Chris Kelly; and

Whereas Bruins Head Coach Claude Julien ensured that the Bruins played and won as a team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Boston Bruins for winning the 2011 Stanley Cup Championship; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) Head Coach Claude Julien;

(B) President and former Bruins All-Star Cam Neely; and

(C) General Manager Peter Chiarelli.

SENATE RESOLUTION 211—OBSERVING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

Mr. LEVIN (for himself, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. COCHRAN, Mr. CARDIN, Mr. CORNYN, Mr. HARKIN, Mrs. GILLIBRAND, Mr. LEAHY, Mr. UDALL of Colorado, Mr. BEGICH, Ms. MIKULSKI, Mr. DURBIN, Mr. BROWN of Ohio, Mr. AKAKA, Ms. STABENOW, and Mr. WICKER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 211

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the Southwestern States, for more than 2½ years after President Lincoln's Emancipation Proclamation, which was issued on January 1, 1863, and months after the conclusion of the Civil War;

Whereas, on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas with news that the Civil War had ended and that the enslaved were free;

Whereas African-Americans who had been slaves in the Southwest celebrated June 19th, commonly known as ''Juneteenth Independence Day'', as the anniversary of their emancipation;

Whereas African-Americans from the Southwest continue the tradition of celebrating Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas, for more than 145 years, Juneteenth Independence Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes the historical significance of Juneteenth Independence Day to the Nation;

(B) supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation; and

(C) encourages the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(2) it is the sense of the Senate that—

(A) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States; and

(B) history should be regarded as a means for understanding the past and solving the challenges of the future.

AMENDMENTS SUBMITTED AND PROPOSED

SA 477. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table.

SA 478. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 479. Mr. DEMINT (for himself, Mr. VITTER, Mr. HATCH, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 480. Mr. GRASSLEY (for himself and Mr. JOHNSON of South Dakota) submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 481. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 482. Mr. COONS (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 483. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table.

SA 484. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 679, supra; which was ordered to lie on the table.

SA 485. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 679, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 477. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, strike lines 1 through 6 and insert the following:

(A) in subparagraph (D), by inserting '', with the goal that at least 1 university center is to be established in each State'' after ''centers'';

(B) in subparagraph (H), by striking ''and'' at the end;

(C) by redesignating subparagraph (I) as subparagraph (J); and

(D) by inserting after subparagraph (H) the following:

SA 478. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, line 12, strike the quotation marks and the following period and insert the following:

''(8) PHASE-OUT OF FEDERAL INTEREST.—

''(A) IN GENERAL.—The Secretary shall release any Federal interest in property and income in connection with a grant made from revolving loan funds after the original grant has been fully disbursed and recaptured by the grant recipient at least once if the recipient, as determined by the Secretary—

''(i) retains the grant funds for the overall economic development advancement of the service delivery area; and

''(ii) continues to comply with section 602.

''(B) APPLICABILITY.—This paragraph shall apply to property and income assisted or generated through provision of a grant from revolving loan funds before, on, or after the date of enactment of this paragraph.''.

SA 479. Mr. DEMINT (for himself, Mr. VITTER, Mr. HATCH, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 782, to

amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF AUTHORITY TO PROVIDE CERTAIN LOANS TO THE INTERNATIONAL MONETARY FUND, THE INCREASE IN THE UNITED STATES QUOTA, AND CERTAIN OTHER AUTHORITIES, AND RESCISSION OF RELATED APPROPRIATED AMOUNTS.

(a) REPEAL OF AUTHORITIES.—The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended—

(1) in section 17—

(A) in subsection (a)—

(i) by striking ''(1) In order'' and inserting ''In order''; and

(ii) by striking paragraphs (2), (3), and (4); and

(B) in subsection (b)—

(i) by striking ''(1) For the purpose'' and inserting ''For the purpose'';

(ii) by striking ''subsection (a)(1)'' and inserting ''subsection (a)''; and

(iii) by striking paragraph (2);

(2) by striking sections 64, 65, 66, and 67; and

(3) by redesignating section 68 as section 64.

(b) RESCISSION OF AMOUNTS.—

(1) IN GENERAL.—The unobligated balance of the amounts specified in paragraph (2)—

(A) is rescinded;

(B) shall be deposited in the General Fund of the Treasury to be dedicated for the sole purpose of deficit reduction; and

(C) may not be used as an offset for other spending increases or revenue reductions.

(2) AMOUNTS SPECIFIED.—The amounts specified in this paragraph are the amounts appropriated under the heading ''UNITED STATES QUOTA, INTERNATIONAL MONETARY FUND'', and under the heading ''LOANS TO INTERNATIONAL MONETARY FUND'', under the heading ''INTERNATIONAL MONETARY PROGRAMS'' under the heading ''INTERNATIONAL ASSISTANCE PROGRAMS'' in title XIV of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1916).

SA 480. Mr. GRASSLEY (for himself and Mr. JOHNSON of South Dakota) submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:

SEC. 2 ___. PAYMENT LIMITATIONS.

(a) IN GENERAL.—Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (a), by striking paragraph (3) and inserting the following:

''(3) LEGAL ENTITY.—

''(A) IN GENERAL.—The term 'legal entity' means—

''(i) an organization that (subject to the requirements of this section and section 1001A) is eligible to receive a payment under a provision of law referred to in subsection (b), (c), or (d);

''(ii) a corporation, joint stock company, association, limited partnership, limited liability company, limited liability partnership, charitable organization, estate, irrevocable trust, grantor of a revocable trust, or other similar entity (as determined by the Secretary); and

''(iii) an organization that is participating in a farming operation as a partner in a general partnership or as a participant in a joint venture.

''(B) EXCLUSION.—The term 'legal entity' does not include a general partnership or joint venture.'';

(2) in subsection (b)—

(A) in paragraphs (1), (2), and (3), by striking ''(except a joint venture or a general partnership)'' each place it appears;

(B) in paragraph (1)(A), by striking ''$40,000'' and inserting ''$20,000''; and

(C) in paragraphs (2) and (3)(A), by striking ''$65,000'' each place it appears and inserting ''$30,000'';

(3) in subsection (c)—

(A) in paragraphs (1), (2), and (3), by striking ''(except a joint venture or a general partnership)'' each place it appears;

(B) in paragraph (1)(A), by striking ''$40,000'' and inserting ''$20,000''; and

(C) in paragraphs (2) and (3)(A), by striking ''$65,000'' each place it appears and inserting ''$30,000'';

(4) by striking subsection (d) and inserting the following:

''(d) LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—The total amount of the following gains and payments that a person or legal entity may receive during any crop year may not exceed $75,000:

''(1)(A) Any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities and peanuts under subtitle B or C of title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8731 et seq.) at a lower level than the original loan rate established for the loan commodity under those subtitles.

''(B) In the case of settlement of a marketing assistance loan for 1 or more loan commodities and peanuts under those subtitles by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

''(2) Any loan deficiency payments received for 1 or more loan commodities and peanuts under those subtitles.

''(3) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities and peanuts, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under those subtitles or section 1307 of that Act (7 U.S.C. 7957).'';

(5) by redesignating subsections (e) through (h) as subsections (f) through (i), respectively;

(6) by inserting after subsection (d) the following:

''(e) SPOUSAL EQUITY.—

''(1) IN GENERAL.—Notwithstanding subsections (b) through (d), except as provided in paragraph (2), if a person and the spouse of the person are covered by paragraph (2) and receive, directly or indirectly, any payment or gain covered by this section, the total amount of payments or gains (as applicable) covered by this section that the person and spouse may jointly receive during any crop year may not exceed an amount equal to twice the applicable dollar amounts specified in subsections (b), (c), and (d).

''(2) EXCEPTIONS.—

''(A) SEPARATE FARMING OPERATIONS.—In the case of a married couple in which each spouse, before the marriage, was separately engaged in an unrelated farming operation, each spouse shall be treated as a separate person with respect to a farming operation brought into the marriage by a spouse, subject to the condition that the farming operation shall remain a separate farming operation, as determined by the Secretary.

''(B) ELECTION TO RECEIVE SEPARATE PAYMENTS.—A married couple may elect to receive payments separately in the name of each spouse if the total amount of payments and benefits described in subsections (b), (c), and (d) that the married couple receives, directly or indirectly, does not exceed an amount equal to twice the applicable dollar amounts specified in those subsections.'';

(7) in paragraph (3)(B) of subsection (g) (as redesignated by paragraph (5)), by adding at the end the following:

''(iii) IRREVOCABLE TRUSTS.—In promulgating regulations to define the term 'legal entity' as the term applies to irrevocable trusts, the Secretary shall ensure that irrevocable trusts are legitimate entities that have not been created for the purpose of avoiding a payment limitation.''; and

(8) in subsection (i) (as redesignated by paragraph (5)), in the second sentence, by striking ''or other entity'' and inserting ''or legal entity''.

(b) SUBSTANTIVE CHANGE; PAYMENTS LIMITED TO ACTIVE FARMERS.—The Food Security Act of 1985 is amended by striking section 1001A (7 U.S.C. 1308–1) and inserting the following:

''SEC. 1001A. SUBSTANTIVE CHANGE; PAYMENTS LIMITED TO ACTIVE FARMERS.

''(a) SUBSTANTIVE CHANGE.—

''(1) IN GENERAL.—For purposes of the application of limitations under this section, the Secretary shall not approve any change in a farming operation that otherwise would increase the number of persons or legal entities to which the limitations under this section apply, unless the Secretary determines that the change is bona fide and substantive.

''(2) FAMILY MEMBERS.—For the purpose of paragraph (1), the addition of a family member to a farming operation under the criteria established under subsection (b)(3)(B) shall be considered to be a bona fide and substantive change in the farming operation.

''(3) PRIMARY CONTROL.—To prevent a farm from reorganizing in a manner that is inconsistent with the purposes of this Act, the Secretary shall promulgate such regulations as the Secretary determines to be necessary to simultaneously attribute payments for a farming operation to more than 1 person or legal entity, including the person or legal entity that exercises primary control over the farming operation, including to respond to—

''(A)(i) any instance in which ownership of a farming operation is transferred to a person or legal entity under an arrangement that provides for the sale or exchange of any asset or ownership interest in 1 or more legal entities at less than fair market value; and

''(ii) the transferor is provided preferential rights to repurchase the asset or interest at less than fair market value; or

''(B) a sale or exchange of any asset or ownership interest in 1 or more legal entities under an arrangement under which rights to exercise control over the asset or interest are retained, directly or indirectly, by the transferor.

''(b) PAYMENTS LIMITED TO ACTIVE FARMERS.—

''(1) IN GENERAL.—To be eligible to receive, directly or indirectly, payments or benefits described as being subject to limitation in subsection (b) through (d) of section 1001 with respect to a particular farming operation, a person or legal entity shall be actively engaged in farming with respect to the farming operation, in accordance with paragraphs (2), (3), and (4).

''(2) GENERAL CLASSES ACTIVELY ENGAGED IN FARMING.—

''(A) DEFINITION OF ACTIVE PERSONAL MANAGEMENT.—In this paragraph, the term 'active personal management' means, with respect to a person, administrative duties carried out by the person for a farming operation—

''(i) that are personally provided by the person on a regular, continuous, and substantial basis; and

''(ii) relating to the supervision and direction of—

''(I) activities and labor involved in the farming operation; and

''(II) onsite services directly related and necessary to the farming operation.

''(B) ACTIVE ENGAGEMENT.—Except as provided in paragraph (3), for purposes of paragraph (1), the following shall apply:

''(i) A person shall be considered to be actively engaged in farming with respect to a farming operation if—

''(I) the person makes a significant contribution, as determined under subparagraph (E) (based on the total value of the farming operation), to the farming operation of—

''(aa) capital, equipment, or land; and

''(bb) personal labor and active personal management;

''(II) the share of the person of the profits or losses from the farming operation is commensurate with the contributions of the person to the operation; and

''(III) a contribution of the person is at risk.

''(ii) A legal entity shall be considered to be actively engaged in farming with respect to a farming operation if—

''(I) the legal entity makes a significant contribution, as determined under subparagraph (E) (based on the total value of the farming operation), to the farming operation of capital, equipment, or land;

''(II)(aa) the stockholders or members that collectively own at least 51 percent of the combined beneficial interest in the legal entity each make a significant contribution of personal labor and active personal management to the operation; or

''(bb) in the case of a legal entity in which all of the beneficial interests are held by family members, any stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) who owns at least 10 percent of the beneficial interest in the legal entity makes a significant contribution of personal labor or active personal management; and

''(III) the legal entity meets the requirements of subclauses (II) and (III) of clause (i).

''(C) LEGAL ENTITIES MAKING SIGNIFICANT CONTRIBUTIONS.—If a general partnership, joint venture, or similar entity (as determined by the Secretary) separately makes a significant contribution (based on the total value of the farming operation involved) of capital, equipment, or land, the partners or members making a significant contribution of personal labor or active personal management and meeting the standards provided in subclauses (II) and (III) of subparagraph (B)(i) shall be considered to be actively engaged in farming with respect to the farming operation involved.

''(D) EQUIPMENT AND PERSONAL LABOR.—In making determinations under this subsection regarding equipment and personal labor, the Secretary shall take into consideration the equipment and personal labor normally and customarily provided by farm operators in the area involved to produce program crops.

''(E) SIGNIFICANT CONTRIBUTION OF PERSONAL LABOR OR ACTIVE PERSONAL MANAGEMENT.—

''(i) IN GENERAL.—Subject to clause (ii), for purposes of subparagraph (B), a person shall be considered to be providing, on behalf of the person or a legal entity, a significant contribution of personal labor and active personal management, if the total contribution of personal labor and active personal management is at least equal to the lesser of—

''(I) 1,000 hours; and

''(II) a period of time equal to—

''(aa) 50 percent of the commensurate share of the total number of hours of personal labor and active personal management required to conduct the farming operation; or

''(bb) in the case of a stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) that owns at least 10 percent of the beneficial interest in a legal entity in which all of the beneficial interests are held by family members who do not collectively receive payments directly or indirectly, including payments received by spouses, of more than twice the applicable limit, 50 percent of the commensurate share of hours of the personal labor and active personal management of all family members required to conduct the farming operation.

''(ii) MINIMUM LABOR HOURS.—For the purpose of clause (i), the minimum number of labor hours required to produce a commodity shall be equal to the number of hours that would be necessary to conduct a farming operation for the production of each commodity that is comparable in size to the commensurate share of a person or legal entity in the farming operation for the production of the commodity, based on the minimum number of hours per acre required to produce the commodity in the State in which the farming operation is located, as determined by the Secretary.

''(3) SPECIAL CLASSES ACTIVELY ENGAGED IN FARMING.—Notwithstanding paragraph (2), the following persons shall be considered to be actively engaged in farming with respect to a farm operation:

''(A) LANDOWNERS.—A person or legal entity that is a landowner contributing owned land, and that meets the requirements of subclauses (II) and (III) of paragraph (2)(B)(i), if, as determined by the Secretary—

''(i) the landowner share-rents the land at a rate that is usual and customary; and

''(ii) the share received by the landowner is commensurate with the share of the crop or income received as rent.

''(B) FAMILY MEMBERS.—With respect to a farming operation conducted by persons who are family members, or a legal entity the majority of the stockholders or members of which are family members, an adult family member who makes a significant contribution (based on the total value of the farming operation) of active personal management or personal labor and, with respect to such contribution, who meets the requirements of subclauses (II) and (III) of paragraph (2)(B)(i).

''(C) SHARECROPPERS.—A sharecropper who makes a significant contribution of personal labor to the farming operation and, with respect to such contribution, who meets the requirements of subclauses (II) and (III) of paragraph (2)(B)(i), and who was receiving payments from the landowner as a sharecropper prior to the effective date of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1651).

''(4) PERSONS AND LEGAL ENTITIES NOT ACTIVELY ENGAGED IN FARMING.—For the purposes of paragraph (1), except as provided in paragraph (3), the following persons and legal entities shall not be considered to be actively engaged in farming with respect to a farm operation:

''(A) LANDLORDS.—A landlord contributing land to the farming operation if the landlord receives cash rent, or a crop share guaranteed as to the amount of the commodity to be paid in rent, for such use of the land.

''(B) OTHER PERSONS AND LEGAL ENTITIES.—Any other person or legal entity, or class of persons or legal entities, that fails to meet the requirements of paragraphs (2) and (3), as determined by the Secretary.

''(5) PERSONAL LABOR AND ACTIVE PERSONAL MANAGEMENT.—No stockholder or member may provide personal labor or active personal management to meet the requirements of this subsection for persons or legal entities that collectively receive, directly or indirectly, an amount equal to more than twice the applicable limits under subsections (b), (c), and (d) of section 1001.

''(6) CUSTOM FARMING SERVICES.—A person or legal entity receiving custom farming services will be considered separately eligible for payment limitation purposes if the person or legal entity is actively engaged in farming based on paragraphs (1) through (3).

''(7) GROWERS OF HYBRID SEED.—To determine whether a person or legal entity growing hybrid seed under contract shall be considered to be actively engaged in farming, the Secretary shall not take into consideration the existence of a hybrid seed contract.

''(c) NOTIFICATION BY LEGAL ENTITIES.—To facilitate the administration of this section, each legal entity that receives payments or benefits described as being subject to limitation in subsection (b), (c), or (d) of section 1001 with respect to a particular farming operation shall—

''(1) notify each person or other legal entity that acquires or holds a beneficial interest in the farming operation of the requirements and limitations under this section; and

''(2) provide to the Secretary, at such times and in such manner as the Secretary may require, the name and social security number of each person, or the name and taxpayer identification number of each legal entity, that holds or acquires such a beneficial interest.''.

(c) FOREIGN PERSONS AND LEGAL ENTITIES MADE INELIGIBLE FOR PROGRAM BENEFITS.—Section 1001C of the Food Security Act of 1985 (7 U.S.C. 1308–3) is amended—

(1) in the section heading, by striking ''**PERSONS**'' and inserting ''**PERSONS AND LEGAL ENTITIES**'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''CORPORATION OR OTHER'' and inserting ''LEGAL'';

(B) in the first sentence, by striking ''a corporation or other entity shall be considered a person that'' and inserting ''a legal entity''; and

(C) in the second sentence, by striking ''an entity'' and inserting ''a legal entity''; and

(3) in subsection (c), by striking ''person'' and inserting ''legal entity or person''.

(d) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement this section and the amendments made by this section.

(2) PROCEDURE.—The promulgation of the regulations and administration of this section and the amendments made by this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided

under section 808 of title 5, United States Code.

(e) BUDGETARY EFFECTS.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 481. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, strike lines 23 and 24 and insert the following:

force, or Department of Energy defense-related or other defense-related funding reductions, or funding reductions for government entities on property deeded from military bases, for help in—

SA 482. Mr. COONS (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. SENSE OF THE SENATE REGARDING USE OF SAVINGS RESULTING FROM REPEAL OF VEETC.

It is the sense of the Senate that the savings from the repeal of the Volumetric Ethanol Excise Tax Credit should be directed to—

(1) reducing the Federal deficit; and

(2) extending for 5 years the Federal tax credits for advanced biofuels (as defined by the Renewable Fuel Standard under the Energy Independence and Security Act of 2007).

SA 483. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

On page 76, after line 6, add the following:

SEC. 6. RESCISSION OF UNOBLIGATED APPROPRIATIONS.

(a) IN GENERAL.—Of the unobligated amounts appropriated for high-speed rail projects under title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117), $2,400,000,000 is rescinded.

(b) DEFICIT REDUCTION.—All amounts rescinded under subsection (a) shall be used to reduce the public debt of the United States.

SA 484. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 6. BUDGET OF THE UNITED STATES GOVERNMENT.

(a) PROHIBITION ON PRINTING THE BUDGET OF THE UNITED STATES GOVERNMENT.—

(1) IN GENERAL.—Chapter 13 of title 44, United States Code, is amended by adding at the end the following:

''§ 1345. Prohibition on printing of the budget of the United States Government

''The Government Printing Office shall not print the budget of the United States Government described under section 1105 of title 31, United States Code.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 13 of title 44, United States Code, is amended by adding after the item relating to section 1344 the following:

''Sec. 1345. Prohibition on printing of the budget of the United States Government.''.

(b) ELECTRONIC AVAILABILITY.—The Office of Management and Budget shall make the budget of the United States Government submitted to Congress under section 1105 of title 31, United States Code, available—

(1) to the public on the website of the Office of Management and Budget; and

(2) in a format which enables the budget to be downloaded and printed by users of the website.

SA 485. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON PRINTING THE CONGRESSIONAL RECORD.

(a) PROHIBITION ON PRINTING.—

(1) IN GENERAL.—Chapter 9 of title 44, United States Code, is amended by striking section 903 and inserting the following:

''§ 903. Congressional Record: daily and permanent forms

''(a) IN GENERAL.—The public proceedings of each House of Congress as reported by the Official Reporters, shall be included in the Congressional Record, which shall be issued in daily form during each session and shall be revised and made electronically available promptly, as directed by the Joint Committee on Printing, for distribution during and after the close of each session of Congress. The daily and the permanent Record shall bear the same date, which shall be that of the actual day's proceedings reported. The Government Printing Office shall not print the Congressional Record.

''(b) ELECTRONIC AVAILABILITY.—

''(1) GOVERNMENT PRINTING OFFICE.—The Government Printing Office shall make the Congressional Record available to the Secretary of the Senate and the Chief Administrative Officer of the House of Representatives in an electronic form in a timely manner to ensure the implementation of subsection (a).

''(2) WEBSITE.—The Secretary of the Senate and the Chief Administrative Officer of the House of Representatives shall make the Congressional Record available—

''(A) to the public on the websites of the Secretary of the Senate and the Chief Administrative Officer of the House of Representatives; and

''(B) in a format which enables the Congressional Record to be downloaded and printed by users of the website.''.

(b) CONGRESSIONAL RECORD.—

(1) IN GENERAL.—Chapter 9 of title 44, United States Code, is amended—

(A) in section 905, in the first sentence, by striking ''printing'' and inserting ''inclusion''; and

(B) by striking sections 906, 909, and 910.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 9 of title 44, United States Code, is amended by striking the items relating to sections 906, 909, and 910.

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet on Thursday, June 23, 2011, at 10 a.m. to conduct a hearing entitled ''Stories from the Kitchen Table: How Middle Class Families are Struggling to Make Ends Meet.''

For further information regarding this hearing, please contact Zach Schechter Steinberg on (202) 224–5441.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 16, 2011, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, be authorized to meet during the session of the Senate on June 16, 2011, at 10 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Commitee on Energy and Natural Resources be authorized to meet during the session of the Senate on June, 16, 2011, at 10:30 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate June 16, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled ''Finding Our Way Home: Achieving the Policy Goals of NAGPRA.''

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

COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 16, 2011, at 10 a.m., in SD–192 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on June 16, 2011, at 10 a.m. to conduct a hearing entitled ''An Examination of SBA Programs: Eliminating Inefficiencies, Duplications, Fraud and Abuse.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 16, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works and the Subcommittee on Clean Air and Nuclear Safety be authorized to meet during the session of the Senate on June 16, 2011, at 10 a.m. in Dirksen 406 to conduct a hearing entitled, ''Oversight Hearing: The Nuclear Regulatory Commission's Preliminary Results of the Nuclear Safety Review in the United States Following the Emergency at the Fukushima Daiichi Power Plant in Japan.''

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Katy Jones, Caitlin Lawrence, and Jean Fleming of my staff be granted the privilege of the floor during today's session.

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

CONGRATULATING THE DALLAS MAVERICKS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 209, which was submitted earlier today.

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

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 209) congratulating the Dallas Mavericks on winning the 2011 National Basketball Association Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 209) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 209

Whereas the Dallas Mavericks finished the 2010–11 National Basketball Association (NBA) season with a 57–25 record;

Whereas, during the 2011 NBA Playoffs, the Mavericks defeated the Portland Trailblazers, Los Angeles Lakers, Oklahoma City Thunder, and Miami Heat en route to the NBA Championship;

Whereas the Mavericks epitomized a ''never say die'' attitude during the 2011 NBA Finals, overcoming losses in games 1 and 3 of the NBA Finals with thrilling fourth quarter comebacks in games 2, 4, and 5 to take a 3–2 series lead;

Whereas, on June 12, 2011, the Mavericks won the 2011 NBA Championship in 6 games over the Miami Heat;

Whereas the Mavericks owner Mark Cuban never wavered in his commitment to bring an NBA championship to Dallas, fulfilling the vision of founding owner Don Carter and past owner Ross Perot, Jr.;

Whereas the President of Basketball Operations and General Manager Donnie Nelson built a team complete with depth, versatility, and humility;

Whereas third-year Head Coach Rick Carlisle and his assistants helped transform the Mavericks from a perennial playoff contender into the NBA's best;

Whereas Dirk Nowitzki, who has spent his entire 13-year career with the Mavericks, overcame injury and illness to average 26 points and 9.6 rebounds per game during the NBA Finals, earning the NBA Finals Most Valuable Player Award;

Whereas longtime Mavericks guard Jason Terry scored a game high 27 points in game 6 to carry the Mavericks to the championship;

Whereas 17-year NBA veteran Jason Kidd set the tone for the Mavericks' success through his patient, calm, and disciplined leadership;

Whereas Shawn Marion, Tyson Chandler, DeShawn Stevenson, and Jose Juan ''J.J.'' Barea provided balance on offense and defense to help pave the way to the championship;

Whereas the Mavericks bench was pivotal to the team's championship, with valuable contributions being made by the entire roster, including guard Rodrigue Beaubois, forward Corey Brewer, forward Caron Butler, forward Brian Cardinal, center Brendan Haywood, guard Dominique Jones, center Ian Mahinmi, and forward Peja Stojakovic; and

Whereas the Mavericks gave the city of Dallas its first NBA Championship, a unique and special accomplishment for Mavericks fans throughout the Dallas/Fort Worth Metroplex and around the world: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Dallas Mavericks for their outstanding heart, resolve, and determination in winning the 2011 National Basketball Association Championship; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) Mavericks head coach Rick Carlisle;

(B) Mavericks general manager Donnie Nelson; and

(C) Mavericks owner Mark Cuban.

CONGRATULATING THE BOSTON BRUINS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent—with considerable happiness and pride—that the Senate now proceed to the consideration of S. Res. 210, celebrating the Boston Bruins' victory, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 210) congratulating the Boston Bruins for winning the 2011 Stanley Cup Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, it would be unimaginable there be objection to such good news.

I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 210) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 210

Whereas on Wednesday, June 15, 2011, the Boston Bruins, the oldest National Hockey League (NHL) franchise in the United States, brought the Stanley Cup back to Boston for the first time in 39 years;

Whereas to accomplish this feat, the Bruins defeated the Vancouver Canucks, the team with the best record in the NHL during the regular season, in Game 7 of the Stanley Cup Finals;

Whereas the Bruins became the first team in NHL history to win 3 deciding Game 7's during a single playoff run and twice came back from 0–2 series deficits;

Whereas Bruins goaltender Tim Thomas won the Conn Smythe trophy, which is awarded to the player deemed most valuable to his team during the Stanley Cup playoffs;

Whereas Tim Thomas shut out the Canucks in the deciding game of the Finals, and allowed only 8 goals over the 7 game series;

Whereas Bruins rookie Brad Marchand scored 11 goals in the playoffs, setting a team record for playoff goals by a rookie, and tying for the second-most playoff goals by a rookie in NHL history;

Whereas Bruins right wing Mark Recchi hoisted his third Stanley Cup, and is retiring as a champion after 1,652 NHL regular-season games and 190 playoff games;

Whereas Bruins captain Zdeno Chara, at 6 feet, 9 inches tall, lifted the Stanley Cup as high above the ice as it has ever been lifted;

Whereas Bruins General Manager Peter Chiarelli made key trades near the trade deadline to put the Bruins in a position for a Stanley Cup run, acquiring Tomas Kaberle, Rich Peverley, and Chris Kelly; and

Whereas Bruins Head Coach Claude Julien ensured that the Bruins played and won as a team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Boston Bruins for winning the 2011 Stanley Cup Championship; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) Head Coach Claude Julien;

(B) President and former Bruins All-Star Cam Neely; and

(C) General Manager Peter Chiarelli;

ORDERS FOR MONDAY, JUNE 20, 2011

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 2 p.m. on Monday, June 20; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 5 p.m. with Senators permitted to speak therein for up to 10 minutes each; and that the filing deadline for first-degree amendments to S. 782, the Economic Development Revitalization Act, be 3:30 p.m. on Monday, June 20.

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

PROGRAM

Mr. WHITEHOUSE. Mr. President, I am advised there will be no rollcall votes on Monday. The next rollcall vote will begin at approximately noon on Tuesday, June 21, on confirmation of the Simon nomination.

RECESS UNTIL MONDAY, JUNE 20, 2011, AT 2 P.M.

Mr. WHITEHOUSE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it recess under the previous order.

There being no objection, the Senate, at 5:37 p.m., recessed until Monday, June 20, 2011, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF COMMERCE

JOHN EDGAR BRYSON, OF CALIFORNIA, TO BE SECRETARY OF COMMERCE, VICE GARY LOCKE.

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 surgeon

MARY J. W. CHOI

To be dental officer

BROOKS B. HORAN

To be senior assistant dental officer

ETHAN F. HIGSON

To be assistant dental officer

TIARA L. APPLEQUIST
TIMOTHY B. HOUSE
CARA B. SCHRINER
LAUREN B. SIMS
MEREDITH A. SNYDER

To be nurse officer

PATINA S. WALTON-GEER

To be assistant nurse officer

MICHELLE A. KRAYER
HEIDI M. SABOL

To be junior assistant nurse officer

KENIA P. ALTAMIRANO
SHANNON C. BEST
REBECCA M. KIBEL
TIMOTHY N. ONSERIO
HERBERT P. PARTSCH
JUSTIN R. PLOTT
BRANDY TORRES

To be junior assistant health services officer

JAREN T. MELDRUM
CHRISTOPHER P. MORRIS

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STANLEY E. CLARKE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. PAUL J. SELVA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. WILLIAM M. FRASER III

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 major general

BRIG. GEN. TERRENCE A. FEEHAN

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL T. FLYNN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DANIEL P. BOLGER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN F. CAMPBELL

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. JAMES K. BROWN, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. ANTONIO J. VICENS-GONZALEZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL JON S. LEHR
COLONEL TIMOTHY P. MCGUIRE
COLONEL BURDETT K. THOMPSON

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) EARL L. GAY

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JEFFREY B. WARNER

To be major

GARY S. WOLLAM

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTION 531 AND 3064:

To be lieutenant colonel

KARYN L. ARMSTRONG

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTION 531 AND 3064:

To be major

JODI L. SMITH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JAYME M. SUTTON

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

ROBERT HWANG

To be major

ANTHONY C. KIGHT

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

FARRUKH HAMID
KELLY M. MANN
RICHARD T. MULL
VIRGINIA A. PITTMAN-WALKER
ERIC W. SIMONS

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JENNIFER L. FELTWELL
JOSHUA P. STAUFFER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

ANDREW C. BROWN
JOHN W. EANES

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

COLLEEN M. MURPHY

To be major

FRANCIS H. BOUDREAU
DONALD E. LAYNE
JAMES T. NORA

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

AMY A. BLANK
MICHAEL E. YAPP

To be major

CARLOS M. CEBOLLERO
PETER V. HUYNH

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MARTI J. BISSELL
MARK C. BOLL
LAPTHE C. FLORA
GEORGE B. GRAFF
BENJAMIN H. LACY III
DOUGLAS R. MESSNER
MARK S. PARRISH
CARLA S. ROMERO

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DAVID A. AUCH
MARK L. BURKETT
PETER A. COLDWELL
THOMAS A. DEVINE
JEANNE B. JONES
SHAWN M. OBRIEN
JAMES M. PABIS
JAMES M. ROLLINS

IN THE NAVY

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 lieutenant commander

GREGORY A. PINKLEY

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 lieutenant commander

LI SUNG

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

GREGORY C. PEDRO

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 lieutenant commander

CHAD W. GAGNON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JULIE R. WETMORE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

PHILLIP E. LEE, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

PAUL D. HANSON
MICHAEL J. STIGLITZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CARMEN I. BOIS
BRENT B. HUTSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CHRISTOPHER A. ASSELTA
KENNETH L. SMITH, JR.
ERNST K. WALGE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

REBECCA L. DUNAVENT
MARY J. JOHNSON
CHRISTINE C. RIVERA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

HEATHER C. BEASLEY
RANDY C. BRYAN
DALE O. HARRIS
PATRICK E. KELLY
MATTHEW LEE
ANN L. LITCHFIELD
PAMELLA A. MYERS
BLAIR C. PEREZ
CARRIE M. STEPHENS
JEREMIAH J. SULLIVAN
RUSSELL J. VERBY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

KEVIN J. BARTOL
TIM A. FESPERMAN
CHRISTOPHER M. HIGGINS
CHRISTOPHER W. KITCHEN
DOUGLAS G. MARKHAM
WILLIAM B. MATTIMORE III
ALAN J. REYES
BRUCE J. WEIDNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

SHANE A. BOWEN
JAMES P. COLE
EVAN J. DAVIES
ADRIENNE M. FRENCH
JEFFREY J. HAWKER
DOUGLAS L. JOHNSON
MICHAEL J. LANGWORTHY
SEAN R. MALONEY
LEON RONEN
JEFFREY G. WEYENETH
PETER J. WITUCKI
WARREN D. WOLLIN II

WITHDRAWALS

Executive message transmitted by the President to the Senate on June 16, 2011 withdrawing from further Senate consideration the following nominations:

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH KENIA P. ALTAMIRANO AND ENDING WITH BRANDY TORRES, WHICH NOMINATIONS WERE SENT TO THE SENATE ON MAY 11, 2011.