United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, MONDAY, NOVEMBER 7, 2011 No. 169

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. UPTON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 7, 2011.

I hereby appoint the Honorable FRED UPTON to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

Reverend Dr. Alan Keiran, Office of the United States Senate Chaplain, offered the following prayer:

Lord God Almighty, author of life and Creator of the universe, we come today, seeking Your divine wisdom, peace and protection.

In these complex times, please grant our leaders the knowledge and insights needed to solve the economic and international challenges facing our Nation and world. Anoint our leaders with Your Spirit, and grant them Your favor.

As they labor for liberty, fill them with the peace that passes all understanding. May their bodies, minds and spirits continue to thrive as they make critical decisions about our country's future.

Father, we also pray for Your divine protection. We are not naive in thinking all will always be well; but in tough times, we are assured that You, King of Heaven's armies, will be watching over us and guiding us.

Lord, be with those in harm's way and their families. We pray in the mighty Name that is above all names.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore 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.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 2:30 p.m. on Thursday next.

There was no objection.

Accordingly (at 10 o'clock and 4 minutes a.m.), under its previous order, the House adjourned until Thursday, November 10, 2011, at 2:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3766. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Fresh Baby Kiwi From Chile Under a Systems Approach [Docket No.: APHIS-2010-0018] (RIN: 0579-AD37) received October 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3767. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — National Poultry Improvement Plan and Auxiliary Provisions; Correction [Docket No.: APHIS-2009-0031] (RIN: 0579-AD21) received October 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3768. A letter from the Assistant Secretary, Department of Defense, transmitting a report entitled, ''Combating Terrorism Activities FY 2012 Budget Estimates''; to the Committee on Armed Services.

3769. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled ''Performance Evaluation of Accreditation Bodies under the Mammography Quality Standards Act of 1992 as amended by the Mammography Quality Standards Reauthorization Acts of 1998 and 2004'' covering the year 2011; to the Committee on Energy and Commerce.

3770. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances; Temporary Placement of Three Synthetic Cathinones into Schedule I [Docket No.: DEA-357] received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3771. A letter from the Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 64 of the Commission's Rules Regarding Telecommunications Relay Services and Related Customer Premises Equipment for Persons With Disabilities Truth-In-Billing Requirements for Common Carriers received October 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3772. A letter from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Contributions to the Telecommunications Relay Services Fund [CG Docket No.: 11-47] received October 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3773. A letter from the Deputy General Counsel, Federal Communications Commission, transmitting the Commission's final rule — In the matter Amendment of Parts 0, 1, 73, and 74 of the Commission's Rules received October 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3774. A letter from the Associate General Counsel, Department of Agriculture, transmitting 3 reports pursuant to the Federal

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Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3775. A letter from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting 6 reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3776. A letter from the Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Removal of the Lake Erie Watersnake (Nerodia sipedon insularum) From the Federal List of Endangered and Threatened Wildlife [Docket No.: FWS-R3-ES-2010-0039] (RIN: 1018-AW62) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3777. A letter from the Acting Chief, Listing Branch, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Endangered Status for the Ozark Hellbender Salamander [Docket No.: FWS-R3-ES-2009-0009] (RIN: 1018-AV94) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3778. A letter from the Chief, Branch of Operations, DMA, FWS, Department of the Interior, transmitting the Department's final rule — Inclusion of the Hellbender, Including the Eastern Hellbender and the Ozark Hellbender, in Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) [Docket No.: FWS-R9-IA-2009-0033] (RIN: 1018-AW93) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3779. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fishing Capacity Reduction Program for the Southeast Alaska Purse Seine Salmon Fishery [Docket No.: 100825389-1597-02] (RIN: 0648-BA13) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3780. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Groundfish Fisheries of the EEZ Off Alaska: Pacific Halibut Fisheries; CDQ Program; Bering Sea and Aleutian Islands King and Tanner Crab Fisheries; Recordkeeping and Reporting [Docket No.: 0906261095-1339-03] (RIN: 0648-AX97) received October 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3781. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Presumptive Service Connection for Diseases Associated With Service in the Southwest Asia Theater of Operations During the Persian Gulf War: Functional Gastrointestinal Disorders (RIN: 2900-AN83) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3782. A letter from the Chief, Trade and Commercial Regulations Branch, Department of the Treasury, transmitting the Department's final rule — CBP Audit Procedures; Use of Sampling Methods and Offsetting of Overpayments and Over-Declarations (RIN: 1515-AD65) (formerly RIN: 1505-AC00) received October 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3783. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Recovery of Deliquent Debts—Treasury Offset Program Enhancements [Docket No.: SSA-2010-0010] (RIN: 0960-AH19) received October 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3784. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Amendments to Procedures for Certain Determinations and Decisions [Docket No.: SSA-2007-0092] (RIN: 0960-AG72) received October 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3785. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Changes to the Ambulatory Surgical Centers Patient Rights Conditions for Coverage [CMS-3217-F] (RIN: 0938-AP93) received October 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII:

169. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Concurrent Resolution No. 18 memorializing the Congress to require the U.S. Army Corps of Engineers to take immediate action to prevent Asian carp from entering Lake Michigan and the Great Lakes Watershed; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 401: Mr. SERRANO and Mr. ISSA.

H.R. 3167: Mr. MEEHAN.

H.R. 3192: Ms. MOORE and Mr. RIBBLE.

H.R. 3286: Mrs. CAPPS, Mr. JOHNSON of Georgia, Mr. HASTINGS of Florida, Mr. BOSWELL, Mr. CARNAHAN, Ms. HIRONO, and Mr. WALZ of Minnesota.

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PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

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Senate

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

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

Let us pray.

Almighty and everlasting God, who governs all things in Heaven and Earth, mercifully hear our supplications and give us Your peace.

Lord, give our lawmakers this day the grace and wisdom to measure personal convictions in the light of truth and courage. Empower them to act consistent with enlightened conscience, however costly to personal ambition. Give them such a sense of duty that they may leave nothing they ought to do undone. Infuse them with a sense of gratitude that they may offer thanks to You by striving to do Your will.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL 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, November 7, 2011.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

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

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

The legislative clerk proceeded to call the roll.

Mr. REID. 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.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 5 p.m., with Senators permitted to speak for up to 10 minutes each.

Following morning business, the Senate will resume consideration of H.R. 674. At approximately 5:30 p.m., the Senate will vote on the motion to invoke cloture on the motion to proceed to that matter.

VOW TO HIRE HEROES ACT

Mr. REID. Mr. President, every man and woman who puts on the uniform of the U.S. Armed Forces takes a solemn oath to support and defend the Constitution against all enemies. With that oath comes an obligation: to defend the freedoms for which this noble Nation stands and upon which it was founded, without regard to personal price.

For this service, the United States makes a promise to our soldiers, sailors, marines, and airmen in return. That promise isn't about flag waving or yellow ribbons. It lasts long after the parades and holidays are over, through every day and every year of their lives. It is a guarantee that the American dream, for which every servicemember fights—and for which many of their comrades have died—will be waiting for them when they return.

Since September 11, 2001, this country has allowed that promise to lapse. Today, there are 240,000 unemployed veterans. These are veterans in the fight against global terrorism. Among veterans who have served since September 11, unemployment is more than 12 percent—more than 3 percentage points higher than among the general population. Among the youngest veterans—those under age 25—the unemployment rate is 22 percent.

These young men and women volunteered to fight terrorism abroad, but their struggles didn't end when they came home. Despite their service and experience, one-quarter of a million post-9/11 veterans can't find employment in today's dismal economy and rapidly changing workforce.

It is time for this country to make good on its promise. As we pay tribute this week to the millions of American veterans who have faithfully served our flag, Democrats want to introduce legislation to put those men and women back to work. VOW to Hire Heroes is the name of the legislation. This will offer tax credits to companies that hire unemployed veterans or veterans who were discharged in the last 5 years. The legislation will give an additional tax credit to the firms that hire unemployed veterans with service-related disabilities. Disabled veterans will also be eligible for an additional year of vocational rehab and employment benefits under this legislation.

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

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The plan makes transition assistance—including resume-writing workshops and career counseling—mandatory for all servicemembers being discharged. Although our veterans are coming home with greater technical and leadership skills than ever before, those skills don't always translate to a civilian resume. This program will help bridge that gap.

Many Federal agencies, such as the VA and Homeland Security, badly need employees with the unique skills veterans possess. This legislation will also make it possible for servicemembers to apply for those jobs before they leave the military. This will allow soldiers to transition from serving their country in uniform to serving the civilian world without a gap in their employment.

To keep our promise to older veterans, the legislation will expand education and training opportunities at community colleges and technical schools for 100,000 unemployed veterans who served before September 11. Democrats believe we owe it to the men and women who have fought for us to fight for them here at home.

The VOW to Hire Heroes is our fourth attempt to pass commonsense legislation that puts Americans back to work and helps jump-start our economy. Senate Republicans unanimously opposed our last three jobs bills, although those bills had the support of the vast majority of Americans—Republicans, Democrats, and Independents alike. Meanwhile, Republicans have yet to propose a single idea of their own to create jobs. Their obstruction has cost hundreds of thousands of teacher and first responder jobs, it has cost hundreds of thousands of construction jobs, and put reconstruction of our Nation's crumbling roads, bridges, and runways on hold.

Now we will see whether the Senate Republicans are willing to put jobs for veterans at risk as well. I certainly hope they are not. I hope they will join us this week in supporting the legislation that uses ideas originally proposed by Republicans and Democrats to put this Nation's veterans back to work without adding a penny to the deficit.

I believe every man and woman serving in the Senate today is a patriot. I know each and every one of us supports the members of the U.S. armed services and is grateful to every veteran who has served. This week we have the opportunity to express our gratitude and our patriotism with action.

So far, Republicans have stood firm against even the most reasonable plan to create millions of jobs for the sake of politics. It is only a matter of time before they break and join Democrats in our efforts to create jobs and get the economy back on track.

As Veterans Day fast approaches, I urge my Republican colleagues to abandon partisanship and help us honor our commitment to this country's heroes.

RECOGNITION OF THE MINORITY LEADER

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

WORKING TOGETHER

Mr. MCCONNELL. Mr. President, for the past 3 years, President Obama and Democratic leaders in Congress have spent most of their time pushing policies that actually undermine the private sector. They may have the best of intentions, but the fact is they made a bad economy worse. Unemployment has now stood at 9 percent for more consecutive months than for any other period since World War II, and there are now more than 1 million fewer jobs in this country than when the President's first stimulus bill was signed into law.

So the American people gave the President a chance to do something about jobs and the economy and he failed. That is why last year the American people put Republicans in charge of the House of Representatives—so they could try a different approach, and that is what they have done. For nearly a year now, House Republicans have been following through on their pledge to put Americans back to work by passing bill after bill aimed at helping businesses create jobs.

The problem is, every time Republicans pass one of these bills over in the House, Democrats in the Senate refuse to take it up. The Democrats who run the Senate are letting all these bills die.

Some people want to know why this is happening. They want to know why the Senate will not take up these bills. The answer is actually pretty simple. President Obama and his political advisers have put out the word they do not want Congress to get anything done around here until after next year's election, so the President can go around on the bus and blame Congress for the country's problems, and Democrats in the Senate are lining up right behind him. They are doing the President's bidding.

But that is not stopping Republicans in the House from doing the work they were elected to do, and it is not going to keep the Republican minority in the Senate from calling on Democrats to act.

To date, House Republicans have passed more than 20 pieces of legislation designed to do two things: make it easier for small businesses to create jobs and bills that would pass on a broad bipartisan basis.

Last week, I highlighted 15 such bills the House had already passed and that Senate Democrats should take up. This week, Senate Republicans will highlight several additional such bills the House passed just last week. We are going to keep on talking about these bills until Senate Democrats realize there is no reason we shouldn't take them up, pass them on a bipartisan basis, and actually do something on jobs around here.

For nearly 3 years, President Obama has demanded we pass massive legislation he knows Republicans have problems with. What we are saying is, let's start with things that have bipartisan support and that we know can pass instead of that other approach.

Since Republicans control the House and Democrats control the Senate, we are not likely to agree on big partisan stuff. But there are a lot of other job-creating measures we actually could agree on. Why don't we focus on them? Let's work together on the things we can all agree on, as we did last month on the trade agreements.

Here is just one example out of many. Last week, the House passed a bill called the Small Company Capital Formation Act, H.R. 1070. It got 421 votes, including 183 Democrats. Only one person in the House voted against the bill.

Here is a jobs bill that is about as popular as Mother's Day. There is no reason not to pass it in the Senate right now. Right now, promising businesses aren't going public because they simply can't afford the high cost of managing the mountain of government paperwork they are required to under current law. So instead of going out there and raising money to grow and hire, they are holding back. They are not expanding and they are not hiring.

We recently heard from the CEO of a pharmaceutical company from Fort Washington, PA, who said companies such as his are at a major disadvantage if they come up with promising new drugs. He has at least one such promising new drug in the pipeline for chronic kidney disease but can't take it to the next level. If firms such as this want to expand and hire, they need to be able to raise capital from investors so they do not go into debt. But current law keeps them from doing so because of all the regulatory burdens that come along with it. I think we should be removing these barriers to growth for companies such as this one, and 183 Democrats in the House actually agree with me.

President Obama actually supports the idea too. He said so in his speech to a joint session of Congress back in September. So this bill is as bipartisan as it gets. One will not find a bill any more bipartisan than this—passed overwhelmingly in the House and supported by the President of the United States. The only thing standing in the way right now is Senate Democrats. They just will not take yes for an answer.

It is only a matter of time before the American people catch on to the Democrats' refusal to act. Once they do, Republicans will be ready with a long and growing list of bipartisan bills that have already passed the House and that we believe the President of the United States would sign. So let's not delay any longer. Let's stop the games, and let's do the work we were sent to do.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 5 p.m., with Senators permitted to speak therein up to 10 minutes each.

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

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

The legislative clerk proceeded to call the roll.

Mr. WYDEN. 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.

Mr. WYDEN. I ask to speak in morning business.

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

TAX REFORM

Mr. WYDEN. Mr. President, I come to the floor today to talk about creating more good-paying jobs in America and how tax reform can play a key role in job creation if it is done right. As we all know, no Member of Congress has a piece of machinery on their desk that is a job creation device. We cannot just start something like this, press a button, and then after it whirs around a bunch of times it creates a lot of new jobs. New jobs do not just come shooting out that way. Nobody has a contraption like that in the Senate, and the reality is the President does not have one nor does anybody else in America.

But there are policies that are relevant to how we create more good-paying jobs, and those involve first looking at what has worked in the past and, second, what hard, objective data is relevant to the future. Nobody can know the ideal, sure-fire way to create jobs, but we can document what has worked in the past.

In the case of comprehensive tax reform, what we know is that after the 1986 Tax Reform Act where Democrats and Republicans cleaned out scores of tax preferences to hold down marginal rates and keep progressivity, our country created 6.3 million new jobs in those 2 years after that tax reform was enacted. I am not going to say on the floor of the Senate that each and every one of those jobs was the result of tax reform, but certainly independent authorities point to that tax reform effort as a key factor in creating those jobs. With at least 14 million Americans out of work in our country right now, it would be legislative malpractice for Congress to ignore the facts that document the results of the last tax reform effort in job creation.

When we look at the possibilities should we not pay special attention to what has worked in the past? The reality is, as the Presiding Officer knows, our country has tried just about every other tool in the economic toolbox. We have seen the Recovery Act. We have seen that the Fed is essentially all in with its program of quantitative easing. We have had a whole host of other initiatives in the housing area and in the automobile area and a whole host of other areas. The fact is, the one tool in the economic toolshed that nobody has picked up is fundamental tax reform. It is my view that it is time for the Congress, working with the President, to pick up on a proven model that a host of progressive Democrats and conservative Republicans, led by a conservative Republican President, deployed 25 years ago to spur economic growth and create millions of new jobs, which I think we all understand our people in our economy need desperately.

Given that success, it is no wonder that Democrats and Republicans, as well as economists and think-tanks and bipartisan commissions, are again calling for the Congress to take up the cause of tax reform. We are very hopeful the bipartisan Joint Committee on Deficit Reduction can also bring together Democrats and Republicans as part of their work to lay out the strategy for moving ahead on tax reform.

There is no shortage of good reasons for Congress to look at this particular approach to job creation. It is bipartisan, it has been proven before, and certainly the basic principles—simplifying the Tax Code, cleaning out the clutter, and holding down rates across the board—make just as much sense today as they did a quarter century ago.

It has been argued that since the last change in our tax law there have been close to 15,000 tax changes—one for almost every working day year in and year out. So what we have on our hands now is a dysfunctional antigrowth mess. That is why I think it is particularly important that we look at moving now rather than waiting until another election or taking a detour to reform only the corporate Tax Code while, for example, leaving small businesses and working families stuck with the same broken Tax Code they have today.

Let me point out to those who say we cannot do tax reform in a divisive climate, a divided Congress and White House, as we move into an election, the fact is fundamental tax reform was passed on the eve of an election a quarter century ago—passed on the eve of an election. I say that because I know one of the fundamental architects of that tax reform, Senator Packwood, whose seat I now hold in the Senate, was not available for the bill signing because he had a community event back home.

The fact is, there is an opportunity now to move ahead with comprehensive tax reform. We have good people who have expertise in tax law on the supercommittee—Chairman BAUCUS, Senator KERRY, Congressman CAMP, Senator PORTMAN—Democrats and Republicans who have been involved in budget and tax issues for years and years with great expertise on these issues.

I want to take just a minute this afternoon to discuss some eye-opening new information on an issue that I know is being debated in the Congress, and my sense is the supercommittee is looking at it as well; that is, the question of splitting tax reform into separate corporate and individual pieces.

Last week, the Joint Committee on Taxation issued an important report that all Members ought to pay close attention to as Congress looks at tax reform as part of either a potential debt deal or other legislation. The reason I want to discuss it this afternoon is we all understand as part of the legislative process just about everything is negotiable, but there is one thing that is not negotiable—that is the accuracy of the numbers.

When the official number cruncher for taxes says they cannot make the numbers add up, Members of the Senate and the Congress have to pay attention. The new report by the Joint Committee on Taxation says—and, of course, they are the official scorekeeper for tax policy—the Congress essentially has a choice to make. We can either provide all American companies significantly lower tax rates or we can allow multinational companies to continue to avoid paying taxes on their overseas income. But the Joint Committee on Taxation says it is really not possible to do both. There is not enough money in the corporate Tax Code to do both without further increasing the budget deficit.

The Joint Committee was asked to provide its estimate of the lowest corporate rate that could be achieved by eliminating corporate tax expenditures, the various credits, deductions, and exemptions that lower the actual amount of taxes our businesses pay. In response, the joint committee estimated that 28 percent is the lowest possible corporate rate that could be achieved from eliminating corporate tax breaks and still not increase the deficit—in effect, be revenue neutral.

Mr. President, 28 percent is certainly lower than the current top rate, but it is higher than what—certainly many in the business community and the Congress have argued—is needed for U.S. companies to be competitive in the global economy. Most in the business community want to lower the top rate to 25 percent or even lower. The joint committee has determined that 28 percent is the lowest the corporate rate can be reduced to without adding to the deficit.

This new report by the Joint Committee on Taxation ought to be a real wake-up call in Washington, DC. For

example, many companies not only argue that Congress can get the corporate rate down to 25 percent or even lower, but they also want to keep many of the tax breaks they now get under the current Tax Code. The joint committee's report makes clear that cannot be done without increasing the Federal deficit. And even the Joint Committee's 28-percent rate estimate was filled with all sorts of caveats, little kinds of ''look out, there may be more to the story'' kinds of warnings about the difficulty of limiting tax breaks now available to all businesses so they can no longer be claimed by corporations.

If tax breaks are eliminated for corporations but not for other businesses—remember, most businesses, as we know, are sole proprietors or limited partnerships and LLCs and the like—corporations may end up converting their businesses into other types of tax structures. If that happens, the savings from eliminating corporate tax rates would be less so that the corporate rate could end up even higher than 28 percent. That is one example of how it is very hard to repeal tax breaks just for corporations and not for other businesses.

In making their estimate, the Joint Committee looked at repealing literally scores of corporate tax breaks—everything from research to specific breaks for energy, housing, transportation, education, training, and others. But there is one important tax break that was not considered as part of the Joint Committee's analysis, and that is the ability of U.S. multinationals to avoid paying taxes on their overseas income as long as they keep that money overseas. This is the tax break that is known as deferral. Significantly, the Joint Committee has done a separate analysis of the amount of revenue that could be generated by repealing deferral. If you repeal deferral and impose related limits on foreign credits to prevent gaming, you take that step and the total comes to an eye-popping $568 billion over 10 years. That comes from an estimate the Joint Committee has done for a bipartisan group of us who have been working on this issue for the last 5 years.

I initially started working on this with our former colleague from New Hampshire, Senator Gregg, and most recently with Senator COATS and Senator BEGICH. The four of us have worked very closely on this over the last few years. If you make the changes we have made in deferral and related foreign credits that you ought to change to prevent gaming, it is possible to slash rates for all of our businesses so you can get down to 24 percent, particularly for the corporate rate, and have additional relief for small businesses. We have some ideas for how you could drive the rate lower than 24 percent. That is something I think could be a real shot in the arm to businesses in Connecticut, Oregon, and across the country. It surely would do something about creating red, white, and blue jobs so we would have more jobs here in the United States so we could put our people back to work in the manufacturing sector and the other parts of our economy that are so important. So that is the choice.

According to the Joint Committee's estimate—these are the official scorekeepers for taxes—there are two alternative ways to lower corporate tax rates. One keeps deferral, this break for doing business overseas, and then the lowest rate, according to the Joint Committee on Taxation, would be 28 percent. The other takes away the tax breaks for shipping jobs overseas, eliminates deferral, and dramatically drives the rate for our businesses down 24 percent.

As I have indicated, our bipartisan coalition has some ideas for getting it even lower. So it is important to point out that the lower 24-percent rate would apply to every U.S. company, whether it has overseas operations or not. U.S. manufacturers and retailers and other domestic businesses all would benefit from this kind of approach, lower tax rates. All U.S. businesses would have more money to invest in new equipment and hiring workers here in our country—in Connecticut, in Oregon, and all of our States. By contrast, while all businesses would get some help from a 28-percent rate, the biggest winners are those with significant operations overseas, thousands and thousands of miles from our shores. By continuing deferral, those businesses that operate overseas, those companies pay a zero rate on their overseas income. With that rate differential, there would still be a strong incentive for some of those very large businesses to target their investments, to lower tax overseas operations at the expense of investment and job creation here at home. So it should be obvious that the last thing the Congress ought to be doing in this current economic climate is to take actions that will hurt job creation. With so many people out of work, we obviously need to focus on steps to create jobs, not reward those that, in effect, ship the jobs overseas, ship the investments overseas, the investments in the jobs we need so much here at home.

We can do more for all U.S. businesses, workers, and their families through comprehensive tax reform than just by going forward with corporate-only reform. In fact, it is possible to do more for businesses, get a lower rate—I want to emphasize this—for all our businesses in America, significantly lower so they will be more competitive in tough global markets. I am not saying that tax policy is the only consideration in terms of creating jobs. I chair the International Trade Subcommittee of the Senate Finance Committee, and I have long taken as my major objective to do more to grow things here in America, to make things here in America, to add value to them here, and to ship them somewhere. There is a whole host of trade and regulatory policies that factor into this. But certainly we ought to agree that at a time when comprehensive tax reform is the one tool in the economic toolshed that has not been used—and there is a chance to take away tax breaks for shipping jobs overseas so we can get more tax relief for Americans here at home—we ought to be picking up on that opportunity.

I hope all my colleagues who are going to be part of this tax reform debate over the next few weeks—and I think it is inevitable because more and more debate is focused on tax reform, whether it ought to be corporate only—look at how you would go about pursuing it in a bipartisan way. I hope those colleagues will take a look at the new report done by the Joint Committee on Taxation. What they have made clear is that there is not enough money in the corporate tax code to get the lower rate companies want as long as some of these multinationals can continue to keep the money overseas and avoid paying U.S. taxes. Having worked on this issue with colleagues on both sides of the aisle for about the last 5 years, and watching as the economic debate goes forward, with our people hungry for new jobs, I hope colleagues will see, No. 1, there is a real lesson to be learned from what was done in 1986 where progressive Democrats and conservative Republicans came together on the eve of an election—by the way, the 1986 election. I think it is also fair to say that after tax reform, both sides did pretty well. Both sides did pretty well in the Congress and in terms of controlling the White House.

The fact is this is a chance to take a big step to help our people who are hurting now. There are 14 million people out of work. I hope colleagues will look at that new report prepared by the Joint Committee on Taxation and look at the history of how in 2 years a quarter century ago we came together, Democrats and Republicans, and passed fundamental tax reform based on the same kind of principles Senator Gregg, Senator COATS, Senator BEGICH, and I have worked on for the last 5 years, cleaning out special interest breaks, special interest preferences, cleaning out scores of them and using that money to hold down marginal rates and keeping progressivity so we have a sense of fairness. Everybody wins.

Many of our colleagues feel passionately about economic fairness. I certainly do. I know the President of the Senate does as well. Many of our colleagues on the other side of the aisle have focused on economic opportunity. With fundamental tax reform, we can have both and do it in a bipartisan way. It means picking up on the one tool in the economic toolshed that has not been used.

I will be back on the floor of this Senate to talk about this again. It is one of the reasons why I wanted to serve on the Senate Finance Committee, to tackle these fundamental

issues of taxes and health care. We have had a very constructive set of hearings on tax reform chaired by Chairman BAUCUS and ranking minority member Senator HATCH. I am very hopeful that at a time when our people are so hungry for new jobs, good jobs, high-paying jobs, that we will pick up on this opportunity to bring Democrats and Republicans together, as we were on this issue a quarter century ago in enacting fundamental tax reform.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. 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.

CONGRATULATING THE LSU TIGERS

Mr. SHELBY. Mr. President, this past Saturday evening in my home town of Tuscaloosa, AL, there was quite a scoring event—I think most of the people in the Nation watched it—and that was between the No. 1 ranked football team in the Nation, LSU, Louisiana State University, and the University of Alabama. Senator SESSIONS and I were there. We had a bet that Senator SESSIONS and Senator VITTER initiated—and Senator LANDRIEU and I concurred with—on the outcome of the game. All in fun, but you know we all like to win.

This was a tremendous football game: no touchdowns on either side, five field goals, overtime. LSU won. I congratulate them. I congratulate my two Senator colleagues here today. It was hard fought between two great football teams, and today—people have probably seen me on the Senate floor a number of times—I have never worn the purple tie, but I have one on today because I lost the bet. We lost the game. I will not wear it every day, but out of respect for my colleagues from Louisiana: congratulations Senator LANDRIEU, congratulations Senator VITTER, congratulations to the people of Louisiana and to the football team and the coaching staff in Baton Rouge.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank my colleague, Senator SHELBY, a University of Alabama graduate and also a University of Alabama law graduate. I am a law graduate myself from the University of Alabama.

It was a fabulous spectacle this weekend. There were 103,000 people in that fabulous new stadium that has been expanded with all the colors and the band and the noise. Truly, I doubt any of us will live to see a game which is any louder than that game was. It was a spectacular event and an unusual, special event that happens in the Southeastern Conference.

So we believe in being winners. Alabama played every single play—and so did LSU, with every single play—committed to winning the football game. At the end of it, after all had been said and done, it was 6–6. I think the two best teams in the Nation clearly proved they were the two best teams in the Nation. But we had to have an overtime.

So to my colleagues, Senator LANDRIEU and Senator VITTER, congratulations. I am not really proud but I am honored and willing to wear the tie of the team that beat the University of Alabama.

We look forward to celebrating with you that fabulous game and to also having some fresh Alabama gulf coast seafood. Let the whole world know that our gulf coast seafood industry is back strong, better than ever. So congratulations.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, I thank our Alabama colleagues. They are very gracious, and they are great sports in terms of this whole past week and this bet. So I am honored to be with them as they wear LSU colors for 1 day. Maybe they can keep those ties for January. Maybe after the BCS championship game they will at least wear it for an SEC victor—knock on wood—and we very much look forward to their delivering, as Senator SESSIONS said, great, delicious, fresh, and perfectly safe gulf coast seafood that all of us are going to enjoy.

So I thank them for being such great sports, and I congratulate their team for being a superteam. That was a heck of a game. It was everything it was cracked up to be. People said it would be a defensive struggle. Yet nobody imagined there would not even be a touchdown: 9–6 in overtime.

I congratulate the Alabama team that played their hearts out and is a great Alabama team.

Of course, I also want to pause and congratulate everybody in the LSU community and the LSU team. That was a hard fought struggle, a hard fought win. A lot of folks came together and made extraordinary plays. Of course, it ended with Drew Alleman's field goal in overtime. But Mo Claiborne and Eric Reid had terrific interceptions, and even the punter, Brad Wing, played a pivotal role in terms of his 73-yard punt that won the field position battle.

So there are a lot of heroes and a lot of good players on the LSU side, and I congratulate the entire LSU community.

With the rest of the State of Louisiana, we look forward—knock on wood—to several more victories leading up to, hopefully, the BCS championship game in New Orleans in the Louisiana Superdome. So, of course, we look forward to that.

Thank you, Mr. President. At this point, I turn to my colleague from Louisiana, Senator LANDRIEU.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I begin by thanking my two colleagues from Alabama for being such great sports. I never thought they would actually wear purple and gold on the Senate floor, but I am proud of them for living up to their end of the bet, for showing up appropriately dressed this afternoon.

I thank my colleague Senator VITTER for initiating this terrific bet. I am looking forward to some great gulf coast Alabama seafood. As the Senator from Louisiana said—and Senator SESSIONS alluded to—the seafood is not only plentiful, abundant, and affordable, it is also very safe. We are proud to represent the gulf coast and proud of these two extraordinary universities.

As a graduate of LSU, I am particularly proud. But our universities—both the University of Alabama and the University of Louisiana, LSU—are tremendous universities that have an extraordinary reach across all disciplines, and their football teams showed that great spirit on the field.

I want to remind my colleagues that if LSU is victorious this weekend against western Kentucky, the Tigers will advance to 10 and 0. This would be the first time they had done that since their national championship in 1958. So you know how excited our whole State is.

I also want to say the great news from this weekend is, whatever recession there was in Alabama, I think it is over because of the stimulus brought to their State by our crazy LSU fans who started to arrive on Wednesday, I understand. No one can tailgate like we can tailgate. So I think if they check their economic indicators this Monday afternoon, they all will be straight up from the good money and good fun that was had in Alabama.

But, seriously, just in conclusion, Les Miles and our team are just unbelievable, and our LSU team is just terrific. But both teams played their hearts out, and I congratulate the men on the field that night. It was an exciting game to watch, and according to the ratings the LSU-Alabama game drew the second highest rating of any CBS regular season college football broadcast since the network began its tracking.

So, again, I thank my colleagues for being good sports, and we are on the road to the national championship. We may see them again.

I yield the floor.

Mr. SHELBY. Mr. President, 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. BROWN of Massachusetts. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

WITHHOLDING TAX REPEAL

Mr. BROWN of Massachusetts. Mr. President, I rise in support of H.R. 674. The vote we have tonight is finally an opportunity to pass a truly bipartisan jobs bill, part of the President's jobs package. As I said when we held the first vote to try to repeal the 3-percent withholding tax a couple weeks ago, this vote is a no-brainer. It is pretty simple. Unfortunately, some Members objected to a small portion of that bill, the offset. That should not be a concern this time. The bill we will be voting on shortly just passed the House with 405 votes, and when is the last time we heard that? The bill we are going to vote on today has a new offset that has been endorsed by the President, so I say let's get it done.

If we pass it, every company that does business with the government can go back to thinking about hiring new workers rather than worrying about losing 3 percent of the value of their contracts right upfront, right in the beginning. If we pass it, State and local governments will not be saddled with another costly and unfunded mandate. As I said before, it is a no-brainer. If we pass it, we will finally repeal a tax that costs the government billions more to implement than it actually raises in revenue.

Let's pass this bill and let's end this stealth tax that is extremely expensive to implement and punishes many for the bad acts of a few.

That being said, as we know, we have Veterans Day fast approaching. I thank all of our men and women who have served and continue to serve. I cannot think of anything more meaningful than to come together in a truly bipartisan, bicameral way to help our jobless veterans. Unemployment and homelessness among our Active-Duty veterans and members of the National Guard and Reserves are a national disgrace and we can do better. We should not leave anyone behind. The Active-Duty soldiers and members of the Guard and Reserves fight side by side for our freedom. They face danger together, they are wounded together, and they should be treated as equals when it comes to helping them find jobs.

Back in January, I introduced the Hire-a-Hero Act with Senator KAY HAGAN. It expands the work opportunity tax credit to help companies put our veterans and members of the Guard and Reserves back to work. The President has proposed a similar action in his jobs bill. It did not include guardsmen and reservists, and that is why I hope when we take up the veterans package that I hear is being discussed, the majority leader will actually allow for that to be included. Our guardsmen and reservists, once again, deserve better.

It is time for our Senate colleagues to rally behind the men and women who have served and continue to serve. They are leaving the service and need this opportunity right now. The unemployment rate for veterans is more than 12 percent. For members of the Guard and Reserves, it is twice the national average, as high as 20 percent in some areas. We need to treat this as a truly bipartisan and hopefully bicameral effort. It is something the American people are yearning for. They are looking for us to show leadership, to actually work together. If we can't work together with our heroes who have served and given to our country at its time of need, then I am not quite sure what we will be able to work on together.

If we do these two things, repeal the 3-percent withholding and help our veterans in 1 day, potentially 1 week, maybe it will usher in a new era of good will, something I know the Chair and I have worked to establish, as have so many other people in this historic Chamber. One good deed can lead to another good deed and that good deed can lead to another good deed, and so on.

Let's start working together. The American people are demanding it. As I have said before, we are Americans first. I may be a Republican—and I am proud to be Republican—but we are Americans first. I am way more proud to be an American. I hope others in this historic Chamber feel the same way and we can put our party differences aside and do something very important for not only our businesses in this country but also for the ones who have given so much in their service to our great Nation while serving in the military.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Virginia.

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

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

TRIBUTE TO FEDERAL EMPLOYEES

ANN MARTIN

Mr. WARNER. Mr. President, I rise today to continue an initiative that was actually started by the Presiding Officer's predecessor, Senator Kaufman, whereby on a fairly regular basis I try to come down and recognize the service of one of our incredible Federal employees. We spend a lot of time in this body talking about policy. We oftentimes spend a lot of time also talking about what government does wrong. There are things government does wrong, but too often we don't acknowledge what government does right, particularly the incredible service many of the folks who work for our Federal Government perform.

Today, I am pleased to honor another great Federal employee, Ms. Ann Martin. Ms. Martin is the Senior Intelligence Research Specialist for the Treasury Department's Financial Crimes Enforcement Network or FinCEN. She worked with Mexican officials to help disrupt the laundering of billions of dollars derived from illegal U.S. narcotics sales.

At the age of 29—as the Presiding Officer may recall when he was that age—Ms. Martin led a team of financial experts to compile and analyze hundreds of pieces of data. Her research analysis gave unprecedented insight into how Mexican drug cartels finance their operations in both Mexico and the United States. It also provided American and Mexican law enforcement authorities with a number of leads into cross-border money laundering and transnational organized crime groups.

Discussing Ms. Martin's work, James Freis, the Director of FinCEN, explained that ''no one had ever put together a picture of this kind of financial movement across our borders.'' In other words, nobody put together in an organized way the kinds of activities in which some of these drug cartels were involved.

The exhaustive and comprehensive analysis Ms. Martin conducted supported the Mexican Government's decision in June 2010 to issue new regulations to restrict the amount of U.S. dollars that could be deposited into Mexican banks. As a result, more than 700 suspicious activity reports have been filed from Mexican banks. In other words, we have gotten the leads on 700 potential activities that are now being investigated due to Ms. Martin's work.

While her time working for the Federal Government has been relatively brief, she has already made a major impact. Karen Fleischer, the Deputy Associate Director at FinCEN, had this to say:

> I've been in government for 35-plus years and Ann is the kind of person that you want to hold up as an example for others. She is extremely dedicated to the agency's mission.

I hope my colleagues will join me in honoring Ms. Martin, a fellow Virginian, for the excellent work she has done and her commitment to public service.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

3% WITHHOLDING REPEAL AND JOB CREATION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 674, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate equally divided and controlled between the Senator from Montana and the Senator from Utah.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time under the quorum call be equally charged.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CLOTURE MOTION

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

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 212, H.R. 674, an act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain health care related programs, and for other purposes.

Harry Reid, Christopher A. Coons, Joe Manchin III, Kay R. Hagan, Dianne Feinstein, Benjamin L. Cardin, Al Franken, Mark Begich, Mark R. Warner, Jeff Bingaman, Tom Udall, Amy Klobuchar, Jeanne Shaheen, Barbara A. Mikulski, Kent Conrad, Michael F. Bennet, Patty Murray.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that the debate on the motion to proceed to H.R. 674, an act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain health care-related programs, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mr. PRYOR) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), and the Senator from Utah (Mr. LEE), the Senator from Illinois (Mr. KIRK), and the Senator from South Carolina (Mr. DEMINT).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''yea.''

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

The yeas and nays resulted—yeas 94, nays 1, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—94

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

NAYS—1

Rockefeller

NOT VOTING—5

DeMint	Kirk	Pryor
Hatch	Lee	

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

● Mr. PRYOR. Mr. President, due to a prior family obligation, I was unavoidably absent for tonight's vote. I ask the RECORD show that had I been present for vote No. 198, I would have voted yea on the motion to invoke cloture on the motion to proceed to H.R.674.●

The PRESIDING OFFICER. The Senator from Tennessee.

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

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

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 1815 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. ALEXANDER. Mr. President, I thank the Chair, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the quorum be rescinded.

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

MORNING BUSINESS

Mr. MERKLEY. I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

VOTE EXPLANATION

Mr. DURBIN. Mr. President, on vote No. 197, the confirmation of Scott Wesley Skavdahl to be U.S. District Judge for the District of Wyoming, I was unavoidably absent. Had I been present, I would have supported the nomination and voted yea.

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN THAT WAS DECLARED IN EXECUTIVE ORDER 12170 ON NOVEMBER 14, 1979—PM 32

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979, is to continue in effect beyond November 14, 2011.

Our relations with Iran have not yet returned to normal, and the process of implementing the agreements with Iran, dated January 19, 1981, is still under way. For these reasons, I have determined that it is necessary to continue the national emergency declared on November 14, 1979, with respect to Iran, beyond November 14, 2011.

BARACK OBAMA.

THE WHITE HOUSE, *November 7, 2011*.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on November 4, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 818. An act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District.

Under the authority of the order of the Senate of January 5, 2011, the enrolled bill was signed on November 4, 2011, during the adjournment of the Senate, by the President pro tempore (Mr. INOUYE).

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2930. An act to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes.

H.R. 2940. An act to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D.

H.R. 3321. An act to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 86. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 2061.

The message further announced that the House has passed the following bill, without amendment:

S. 1487. An act to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

The message also announced that pursuant to 22 U.S.C. 6913 and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China: Ms. KAPTUR of Ohio and Mr. HONDA of California.

The message further announced that pursuant to section 1002 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306) as amended by section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 111–259), and the order of the House of January 5, 2011, the Speaker appoints the following Member of the House of Representatives to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: Mr. CONWAY of Texas.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 1070. An act to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

H.R. 1965. An act to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3321. An act to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2930. An act to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes.

H.R. 2940. An act to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D.

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–3804. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B4–600, A300 B4–600R, and A300 F4–600R Series Airplanes, and Model A300–C4–605R Variant F Airplanes (Collectively Called Model A300–600 Series Airplanes); Model A310 Series Airplanes; Model A318 Series Airplanes; Model A319 Series Airplanes; Model A320–211, –212, –214, –231, –232, and –233 Airplanes; Model A321 Series Airplanes; Model A330–200 and A330–300 Series Airplanes; and Model A340–200, A340–300, A340–500, and A340–600 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0388)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3805. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model BAe 146 and Avro 146–RJ Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0569)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3806. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Piper Aircraft, Inc. Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0218)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3807. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model DHC–8–400 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0381)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3808. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200 and –300 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0224)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3809. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; M7 Aerospace LP Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0832)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3810. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; 328 Support Services GmbH (Type Certificate Previously Held by AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH) Model 328–100 and –300 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–1163)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3811. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 767 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0033)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3812. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B2–1C, A300 B2–203, A300 B2K–3C, A300 B4–103, A300 B4–203, and A300 B4–2C Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0389)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3813. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B2–1C, A300 B2–203, A300 B2K–3C, A300 B4–103, A300 B4–203, and A300 B4–2C Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0389)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3814. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Aviointeriors S.p.A. Passenger Seat 12M Series, Installed on but not Limited to ATR Model ATR42 Airplanes and Model ATR72 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–1000)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3815. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Description of VOR Federal Airway V–299; CA'' ((RIN2120–AA66)(Docket No. FAA–2011–1015)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3816. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Description of VOR Federal Airway V–299; CA; Technical Amendment'' ((RIN2120–AA66)(Docket No. FAA–2011–1015)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3817. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Class E Airspace and Establishment of Class E Airspace; Casper, WY'' ((RIN2120–AA66)(Docket No. FAA–2011–0439)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3818. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Class E Airspace and Establishment of Class E Airspace; Casper, WY; Correction'' ((RIN2120–AA66)(Docket No. FAA–2011–0439)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3819. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Gordonsville, VA'' ((RIN2120–AA66)(Docket No. FAA–2011–0375)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3820. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Bumpass, VA'' ((RIN2120–AA66)(Docket No. FAA–2011–0377)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3821. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; New Market, VA'' ((RIN2120–AA66)(Docket No. FAA–2011–0380)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3822. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Nahunta, GA'' ((RIN2120–AA66)(Docket No. FAA–2011–0727)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3823. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Chinle, AZ'' ((RIN2120–AA66)(Docket No. FAA–2011–0517)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3824. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Lebanon, PA'' ((RIN2120–AA66)(Docket No. FAA–2011–0558)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3825. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Palmyra, PA'' ((RIN2120–AA66)(Docket No. FAA–2011–0394)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3826. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Orangeburg, SC'' ((RIN2120–AA66)(Docket No. FAA–2011–1325)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3827. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 767 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0033)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3828. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–243F Airplanes Equipped with Rolls Royce Trent 700 Series Engines'' ((RIN2120–AA64)(Docket No. FAA–2011–0999)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3829. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Inc. Model DHC–8–102, –103, –106, –201, –202, –301, –311, and –315 Airplanes; Equipped with Certain Cockpit Door Installations'' ((RIN2120–AA64)(Docket No. FAA–2011–0479)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3830. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 747–400 and –400F Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0041)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3831. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dowty Propellers Type R212/4–30–4/22 and R251/4–30–4/49 Propeller Assemblies'' ((RIN2120–AA64)(Docket No. FAA–2011–0735)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3832. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 737–600, –700, –700C, –800, and –900 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–1199)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3833. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company (GE) CT7–8, CT7–8A, CT7–8A1, CT7–8E, and CT7–8F5 Turboshaft Engines'' ((RIN2120–AA64)(Docket No. FAA–2011–0392)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3834. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Services B.V. Model F.27 Mark 050, 200, 300, 400, 500, 600, and 700 Airplanes; and Model F.28 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0568)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3835. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–1118)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3836. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 777–200, –200LR, –300, and –300ER Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–1312)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3837. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dowty Propeller Type R321/4–82–F/8, R324/4–82–F/9, R333/4–82–F/12, and R334/4–82–F/13 Propeller Assemblies'' ((RIN2120–AA64)(Docket No. FAA–2010–1270)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3838. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Austro Engine GmbH Model E4 Diesel Piston Engines'' ((RIN2120–AA64)(Docket No. FAA–2010–1055)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3839. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–1118)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3840. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes (Collectively Called A300–600 Series Airplanes) and A310 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0647)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3841. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model DC–8–11, DC–8–12, DC–8–21, DC–8–31 , DC–8–32, DC–8–33, DC–8–41, DC–8–42, and DC–8–43 Airplanes; Model DC–8–50 Series Airplanes; Model DC–8F–54 and DC–8F–55 Airplanes; Model DC–8–60 Series Airplanes; Model DC–8–60F Series Airplanes; Model DC–8–70 Series Airplanes; and Model DC–8–70F Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0221)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3842. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Gulfstream Aerospace LP Model Galaxy and Gulfstream 200 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0646)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3843. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–1045)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3844. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–201, –202, –203, –223, and –243 Airplanes, Model A330–300 Series Airplanes, Model A340–200 Series Airplanes, and Model A340–300 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0387)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3845. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200 and –300 Series Airplanes, and Model A340–200 and –300 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0474)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3846. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model DHC–8–400 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0151)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3847. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model DHC–8–400 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0910)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3848. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Shelby, MT'' ((RIN2120–AA66)(Docket No. FAA–2011–0536)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3849. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Gary, IN'' ((RIN2120–AA66)(Docket No. FAA–2011–0427)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3850. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Miles City, MT'' ((RIN2120–AA66)(Docket No. FAA–2011–0515) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3851. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Shelby, NC'' ((RIN2120–AA66)(Docket No. FAA–2011–0280)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3852. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Wrightstown, NJ'' ((RIN2120–AA66)(Docket No. FAA–2011–0623)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3853. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Burlington, VT'' ((RIN2120–AA66)(Docket No. FAA–2011–0243)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3854. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Rutherfordton, NC'' ((RIN2120–AA66)(Docket No. FAA–2010–1330)) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

From the Committee on the Judiciary:

Report to accompany S. 1151, a bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information (Rept. No. 112–91).

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. FEINSTEIN (for herself and Mrs. BOXER):

S. 1810. A bill to authorize improvements to flood damage reduction facilities adjacent to the American and Sacramento Rivers near Sacramento, California, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LIEBERMAN (for himself and Mr. BLUMENTHAL):

S. 1811. A bill to amend title 4 of the United States Code to limit the extent to which States may tax the compensation earned by nonresident telecommuters; to the Committee on Finance.

By Mr. BEGICH:

S. 1812. A bill to amend the Alaska Natural Gas Pipeline Act of 2004 to promote the availability of affordable, clean-burning natural gas to North American markets, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself, Mr. INHOFE, Mr. BAUCUS, and Mr. VITTER):

S. 1813. A bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. GILLIBRAND:

S. 1814. A bill to amend title XXVIII of the Public Health Service Act to reauthorize certain provisions relating to public health preparedness; to the Committee on Health, Education, Labor, and Pensions.

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

S. 1815. A bill to codify and delay the implementation of and compliance dates for a final rule relating to interstate transport of air pollution; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself and Mr. UDALL of New Mexico):

S. 1816. A bill to amend title 23, United States Code, to modify a provision relating to minimum penalties for repeat offenders for driving while intoxicated or driving under the influence; to the Committee on Environment and Public Works.

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. 312. A resolution commending Girl Scouts of the USA on the special occasion of its 52nd annual convention and commending the commitment of Girl Scouts of the USA to the mission of fostering the courage, confidence, and character that girls need to become leaders and make the world a better place; considered and agreed to.

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

S. Res. 313. A resolution congratulating the University of Washington on its sesquicentennial and recognizing the contributions of the University of Washington to the State of Washington and the United States; considered and agreed to.

By Mrs. GILLIBRAND:

S. Res. 314. A resolution recognizing the contributions of Project Chernobyl and Project 9/11; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 412

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

S. 509

At the request of Mr. UDALL of Colorado, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 509, a bill to amend the Federal Credit Union Act, to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 720

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

S. 798

At the request of Mr. TESTER, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 798, a bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes.

S. 951

At the request of Mrs. MURRAY, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Arkansas (Mr. PRYOR) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 951, a bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans, and for other purposes.

S. 968

At the request of Mr. LEAHY, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 974

At the request of Ms. SNOWE, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 974, a bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1039

At the request of Mr. CARDIN, the name of the Senator from Missouri (Mr. BLUNT) 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. 1265

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1444

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1444, a bill to provide for the presentation of a United States flag on behalf of Federal civilian employees who are killed while performing official duties or because of their status as Federal employees.

S. 1447

At the request of Mr. CRAPO, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1447, a bill to amend the Safe and Drug—Free Schools and Communities Act to authorize the use of grant funds for dating violence prevention, and for other purposes.

S. 1493

At the request of Ms. MIKULSKI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1493, a bill to provide compensation to relatives of Foreign Service members killed in the line of duty and the relatives of United States citizens who were killed as a result of the bombing of the United States Embassy in Kenya on August 7, 1998, and for other purposes.

S. 1527

At the request of Mrs. HAGAN, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Mississippi (Mr. COCHRAN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Washington (Mrs. MURRAY), the Senator from Virginia (Mr. WARNER), the Senator from Illinois (Mr. DURBIN), the Senator from Michigan (Ms. STABENOW), the Senator from

Florida (Mr. RUBIO) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1692

At the request of Mr. BINGAMAN, the names of the Senator from Utah (Mr. LEE) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1692, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, to provide full funding for the Payments in Lieu of Taxes program, and for other purposes.

S. 1707

At the request of Mr. BURR, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1707, a bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

S. 1720

At the request of Mr. MCCAIN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1720, a bill to provide American jobs through economic growth.

S. 1750

At the request of Mr. FRANKEN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1750, a bill to amend the Older Americans Act of 1965 to establish a Home Care Consumer Bill of Rights, to establish State Home Care Ombudsman Programs, and for other purposes.

S. 1758

At the request of Mrs. MCCASKILL, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 1758, a bill to amend the Federal Power Act to prohibit the Federal Energy Regulatory Commission from requiring the removal or modification of existing structures or encroachments in licenses of the Commission.

S. 1804

At the request of Mr. REED, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1804, a bill to amend title IV of the Supplemental Appropriations Act, 2008 to provide for the continuation of certain unemployment benefits, and for other purposes.

S.J. RES. 21

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S.J. Res. 21, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 180

At the request of Mr. RUBIO, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 180, a resolution expressing support for peaceful demonstrations and universal freedoms in Syria and condemning the human rights violations by the Assad regime.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1810. A bill to authorize improvements to flood damage reduction facilities adjacent to the American and Sacramento Rivers near Sacramento, California, and for other purposes; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Natomas Basin Flood Protection Improvements Act of 2011.

This legislation will authorize the U.S. Army Corps of Engineers to improve the flood control infrastructure in the Sacramento area, safeguarding many thousands of homes and businesses.

There is a pressing need to improve levees in Sacramento, a city that is perpetually cited as one of our Nation's most at-risk for severe flooding.

But even in this high-risk city, there are priority areas. Natomas, which lies between the American and Sacramento rivers, is the top priority for Sacramento flood control.

More than 100,000 people in the Natomas flood plain are at high or moderate risk of flooding.

The vast majority of these homes would be inundated with over 10 feet of water should a levee break.

In some places, inundation levels would exceed 20 feet.

The risk is clear. Estimates by the Army Corps of Engineers put the risk of levee failure at 1 in 3. Damages from a single flood could top $7 billion.

Recognizing the need to upgrade the levees in Natomas, the Corps of Engineers completed a Chief's Report in December 2010 that identified $1.1 billion in essential levee improvements.

According to the report, the principal levee modifications include the widening of 41.9 miles of existing levees; installation of about 34.8 miles of soil bentonite cutoff wall; installation of 8.3 miles of seepage berms, and bridge remediation on State Route 99.

In addition, the report recommends the creation of 75 acres of canal habitat, 200 acres of Marsh habitat, and 60 acres of woodland habitat to ensure the project complies with the Endangered Species Act.

The cost of these improvements will be significant, but the burden will be shared. The Chief's Report recommends that the costs of the improvements be split between the federal government and state and local stakeholders.

The report recommends roughly a 65 percent federal share and a 35 percent state and local share.

The Sacramento Area Flood Control Agency, SAFCA, and the California Department of Water Resources have taken the cost-share agreement to heart and are outpacing the Corps of Engineers. They have begun their work on the project even before the federal work has been authorized.

SAFCA and California have already invested more than $320 million in the Natomas Basin project and repaired about 18 miles of the basin's 42 miles of levees. By the end of 2012, this amount will increase to $370 million.

I want to take a moment to recognize SAFCA and the people of Sacramento for their efforts. They have put their money where their mouth is. This project would not be possible without the significant leadership and resources they have already committed.

County voters twice approved special tax assessments, in 2007 and 2011, to raise local funds needed to improve the levee system. These assessments will provide more than $80 million of local funds for flood control projects. In addition, local interests have provided an additional $40 million in advance of federal participation for which credit will be sought, that is a total commitment thus far of $120 million

The most recent assessment passed overwhelmingly, 84.5 percent of voters supported the measure.

Sacramento residents and homeowners understand that this levee improvement project is critical to the safety and viability of their community. Even during the worst economic downturns in a generation, voters stood together, passed the measure and sent a definitive message to Congress.

I also want to recognize Representative DORIS MATSUI, author of companion legislation in the House and a champion on this issue. I have had the pleasure of working with my good friend from Sacramento on flood control for nearly a decade, and her commitment and advocacy is unparalleled.

I want to reinforce the importance of this legislation. If Sacramento levees fail, the results will be devastating Sacramento International Airport, which serves 4.4 million passengers per year and is the primary air-cargo hub for the region, will be largely underwater.

Interstate 5, Interstate 80 and State Route 99 will be closed or restricted. These roads serve as freight arteries and facilitate the passage of more than 2,500 trucks per day.

Access to the Port of West Sacramento, the city's primary seaport, will be jeopardized.

Flooding in Sacramento is not a question of if, but when.

Recordbreaking storms hit the region in 1951, 1956, 1964, 1986 and 1997.

During the 1997 storm, levee failures in the nearby cities of Olivehurst, Arboga, Wilton, Manteca and Modesto caused mass evacuations and millions of dollars in damages.

An even more devastating flood occurred in 1861 when the American River Levee failed. California's newly elected Governor, Leland Stanford, was forced to take a row-boat to his inauguration and the state capital was temporarily moved to San Francisco.

In January of this year, the U.S. Geological Survey released a study entitled ''ARkStorm'' that examined the impacts of an atmospheric river storm event in California. This storm scenario produced rainfall levels seen once every 500 to 1,000 years.

In this model, the Central Valley would experience 300 miles of flooding, 20 or more miles wide. Evacuations could involve 1.5 million residents, with hundreds of landslides damaging roads, highways, and homes.

There is a statistical possibility that the cataclysmic scenario run by the U.S.G.S. will occur in our lifetime. The possibility is small, but it could happen.

So we must be prepared if it does.

The Natomas Basin Flood Protection Improvements Act of 2011 is one small step toward achieving that.

This legislation addresses the needs of one of the highest-risk communities in our Nation.

While this legislation isn't cheap, the cost-share relieves a sizable share of the Federal responsibility.

I urge my colleagues to support this legislation.

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

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

S. 1810

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 ''Natomas Basin Flood Protection Improvements Act of 2011''.

SEC. 2. PROJECT MODIFICATION, AMERICAN AND SACRAMENTO RIVERS, CALIFORNIA.

(a) IN GENERAL.—The project for flood damage reduction, American and Sacramento Rivers, California, authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3662; 113 Stat. 319; 117 Stat. 1839; 121 Stat. 1947), is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct improvements to flood damage reduction facilities adjacent to the American and Sacramento Rivers in the vicinity of Sacramento, California, substantially in accordance with the report of the Chief of Engineers entitled ''American River Watershed (Common Features) Project, Natomas Basin, Sacramento and Sutter Counties, California'', and dated December 30, 2010, at an estimated total cost of $1,389,500,000, with an estimated Federal cost of $921,200,000 and an estimated non-Federal cost of $468,300,000.

(b) CREDIT FOR NON-FEDERAL WORK.—

(1) IN GENERAL.—The non-Federal interest shall receive credit for expenses and in-kind contributions incurred by the non-Federal interest in carrying out a project described in subsection (a) for planning, design, and construction of the project and acquisition of any land, easement, right-of-way, relocation, and dredged material disposal area for the project.

(2) APPLICATION OF CREDIT.—The credit under paragraph (1) shall be applied toward the non-Federal share of—

(A) the project; or

(B) any other project for which the non-Federal interest has entered into a cost-sharing agreement with the Secretary.

(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection limits the ability of the non-Federal interest to pursue credit or reimbursement for work performed by the non-Federal interest in connection with the project under any other law (including regulations), authority, or procedure, including section 104 of the Water Resources Development Act of 1986 (33 U.S.C. 2214).

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

S. 1815. A bill to codify and delay the implemenlation of and compliance dates for a final rule relating to interstate transport of air pollution; to the Committee on Environment and Public Works.

Mr. ALEXANDER. Mr. President, later this week the Senate will vote on a resolution to disapprove the Clean Air Act rule designed to limit the blowing of powerplant pollution from one State to another. In my opinion, overturning the rule would throw the matter back to regulators, back to courts, back to lawsuits, and back into a delay.

Senator PRYOR of Arkansas and I are introducing today S. 1815. We have sent it to the desk. It is bipartisan legislation that will provide what we believe is a better approach, and that approach is to enact the clean air rule into law but give utilities 1 additional year in which to comply with it. Our approach would provide certainty and cleaner air at the lowest possible cost to ratepayers.

The motion to overturn the clean air rule will be offered by the junior Senator from Kentucky, Mr. PAUL.

Tennesseans admire much about our Kentucky neighbors. We admire their bluegrass, we admire their basketball, we admire their distinguished Senators. But Tennesseans don't want Kentucky's State income tax, and we don't want Kentucky's dirty air. We also know our neighbors in North Carolina don't want Tennessee's dirty air blowing into North Carolina because they have told us that through lawsuits in the courts, which they have won.

Air pollution blowing from one State into another makes our citizens sick, especially our younger Tennesseans and our older Tennesseans. Air pollution blowing from other States into our State is a jobs issue. Pollution makes our Great Smoky Mountains more like the ''Great Smoggy Mountains.'' We like to see our mountains and we like for the 9 million visitors who come to visit us every year to stay a long time and to spend a lot of money because that supports our schools and it supports our State revenue.

Dirty air blowing into Tennessee from other States makes it harder for us to create jobs in yet another way. I remember 30 years ago when I was Governor of Tennessee and the Nissan corporation came to our State. The very first thing Nissan did when it came to Tennessee was to go down to the State Air Quality Board and ask for an air quality permit in order to operate its paint plant. Fortunately, the air quality in the Nashville area was clean enough that Nissan could locate there. If Nissan hadn't been able to obtain an air quality permit to operate its paint plant, it would have been in Georgia or some other State. As a result the auto jobs which have come to Tennessee in the tens of thousands over the last 30 years would most likely have went to some other State.

So dirty air blowing from Kentucky into Tennessee or Tennessee into North Carolina or from any State into another State makes it harder for the recipient State's communities to get their quality permits. It makes it harder, for example, for us to say to Volkswagen and its suppliers: We can provide a home to you because our air is clean enough so that you can get our air quality permit.

Mr. President, in 2005, the Bush administration first put into place the predecessor to the Cross-State Air Pollution Rule that we will be voting on later this week. Federal courts found that the Bush rule was flawed in some technical respects and ordered the Environmental Protection Agency to write a new rule, which some now seek to overturn by means of the Congressional Review Act. The Bush clean air rule that was put in place in 2005 has now been there for 6 years. Many utilities have already taken steps to comply with it.

The pollution standards in the new rule we will be voting on are about the same as those established in the 2005 Bush rule. As an example of costs, the Tennessee Valley Authority, the Nation's largest public utility, tells us that complying with the amended rule will cost its ratepayers between $1 and $2 a month.

We often hear, and I will have to say that a lot of those comments often come from our side of the aisle, that it is the job of Congress, not the bureaucrats and the courts, to write the clean air rules. The commonsense legislation that Senator PRYOR and I offer today is an opportunity for Congress to do its job in a way that will clean the air at the lowest possible cost to ratepayers.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 312—COMMENDING GIRL SCOUTS OF THE USA ON THE SPECIAL OCCASION OF ITS 52ND ANNUAL CONVENTION AND COMMENDING THE COMMITMENT OF GIRL SCOUTS OF THE USA TO THE MISSION OF FOSTERING THE COURAGE, CONFIDENCE, AND CHARACTER THAT GIRLS NEED TO BECOME LEADERS AND MAKE THE WORLD A BETTER PLACE

Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted the following resolution; which was considered and agreed to:

S. RES. 312

Whereas, on March 12, 1912, founder Juliette Gordon Low organized the first troop of Girl Scouts of the USA (referred to in this preamble as ''Girl Scouts'');

Whereas, on March 16, 1950, Girl Scouts became the first national organization for girls to be granted a Federal charter by Congress;

Whereas Girl Scouts regularly informs Congress of its progress and program initiatives through annual reports;

Whereas Girl Scouts actively promotes initiatives to help young women discover their full potential by—

(1) instilling a sound foundation of positive values;

(2) developing a sense of service;

(3) facilitating creative decision-making; and

(4) turning girls into model citizens and leaders of their community, the country, and the world;

Whereas Girl Scouts is holding its 52nd Convention in November 2011 in Houston, Texas;

Whereas the 2011 Girl Scout Leadership Institute, which will run at the 52nd Convention, encourages young women, ages 13 to 18, to explore and build skills in math, science, business, and technology to prepare for future success in the increasingly competitive global marketplace;

Whereas the 2011 Girl Scout Leadership Institute, under the theme of ''Leadership and Innovation, the Next 100 Years''—

(1) seeks to advance leadership opportunities for girls;

(2) promotes programs that offer advanced curriculum;

(3) engages over 1,200 young women from across the globe;

(4) connects young women to industry professionals;

(5) builds the interest of young women in innovation and technology;

(6) addresses global issues; and

(7) teaches life-long leadership abilities and teamwork skills in an interactive environment;

Whereas Girl Scouts has renewed the focus on involving girls in ''innovative, hands-on experiences in science, technology, engineering, and math'' (referred to in this preamble as ''STEM'') that ''strengthen the natural aptitudes of girls and acquaint them with new career options and tools for future independence'';

Whereas Girl Scouts develops girl-centered programs that—

(1) are attuned to the ever-changing needs of women working in the current global market; and

(2) encourage girls to actively engage in STEM activities, facilitating valuable real-world experiences that are integral to developing the next female leaders of the United States;

Whereas Girl Scouts remains a preeminent organization with 3,200,000 members, dedicated solely to—

(1) inspiring generations of girls to reach for their goals, challenge stereotypes, and develop to their full potential; and

(2) advancing opportunities for women to accomplish feats previously thought impossible for the female gender; and

Whereas Girl Scouts has significantly contributed to the advancement of the United States for 100 years by instilling in young women the leadership qualities on which the strength of the United States depends: Now, therefore, be it

Resolved, That the Senate—

(1) commends Girl Scouts of the USA for organizing—

(A) the 2011 National Council Session and the 52nd Convention;

(B) the 2011 Girl Scout Leadership Institute; and

(C) the 2011 ''Leadership and Innovation, the Next 100 Years'' workshops; and

(2) commends Girl Scouts of the USA for continuing to create learning opportunities and activities for young women to develop strong leadership values and life skills.

SENATE RESOLUTION 313—CONGRATULATING THE UNIVERSITY OF WASHINGTON ON ITS SESQUICENTENNIAL AND RECOGNIZING THE CONTRIBUTIONS OF THE UNIVERSITY OF WASHINGTON TO THE STATE OF WASHINGTON AND THE UNITED STATES

Ms. CANTWELL (for herself and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 313

Whereas the University of Washington was founded on November 4, 1861, making it the oldest public university on the west coast of the United States;

Whereas the University of Washington has since grown into an internationally acclaimed research university, spanning 3 campuses in the greater Puget Sound area and enrolling nearly 50,000 students, including international students from 18 countries;

Whereas the faculty of the University of Washington has been repeatedly recognized for excellence, including through the awarding of 4 Nobel Prizes and 15 ''Genius Grants'' by the MacArthur Foundation, among other awards;

Whereas research at the University of Washington has played a critical role in supporting the advancement of knowledge and industry in the State of Washington and the rest of the country;

Whereas the University of Washington serves as a cultural hub for the Seattle community through world-class venues such as the Henry Art Gallery and Meany Hall for the Performing Arts;

Whereas the University of Washington is home to the Daniel J. Evans School of Public Affairs, the oldest institution dedicated to public policy at a public institution of higher education;

Whereas, for more than 100 years, the University of Washington's Henry M. Jackson School of International Studies has been at the forefront of international education and research, with a particular educational emphasis on the relations of the United States to the Asia-Pacific Region;

Whereas the University of Washington Medical School and its associated hospitals have been recognized as some of the finest medical facilities in the world, home to the inventors of the first long-term procedure for kidney dialysis and the world's first multidisciplinary pain care center, as well as helping train physicians throughout the western United States through partnerships with medical schools in Wyoming, Alaska, Montana, and Idaho; and

Whereas November 4, 2011, is the 150th anniversary of the founding of the University of Washington: Now therefore, be it

Resolved, That the Senate—

(1) honors the University of Washington on its sesquicentennial;

(2) recognizes the contributions of the University of Washington to the State of Washington and the United States;

(3) salutes the University of Washington's distinguished legacy of academic excellence, path-breaking research, and partnership with its community; and

(4) extends its congratulations to the students, faculty, staff, and alumni of the University of Washington.

SENATE RESOLUTION 314—RECOGNIZING THE CONTRIBUTIONS OF PROJECT CHERNOBYL AND PROJECT 9/11

Mrs. GILLIBRAND submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 314

Whereas Project Chernobyl is an important organization in the United States addressing the high risk of thyroid cancer among people living in the United States who are from countries affected by the Chernobyl nuclear accident;

Whereas Project Chernobyl has expanded services to offer thyroid screenings to the general population in regions with a high incidence of thyroid cancer;

Whereas Project Chernobyl is addressing the high medical costs of diagnosis and treatment of thyroid cancer by introducing and implementing innovative, minimally invasive techniques that allow for rapid, low cost treatment;

Whereas Project Chernobyl is initiating and funding research directed toward developing new diagnostic and treatment methodologies for thyroid cancer and other thyroid diseases;

Whereas Project Chernobyl has organized Project 9/11, a dedicated effort to identify and treat thyroid cancer among 9/11 first responders; and

Whereas Project Chernobyl and Project 9/11 are providing an extraordinary service to members of the 9/11 community and first responders who are suffering from thyroid cancer: Now, therefore, be it

Resolved, That the Senate commends Project 9/11 and its work to assist the 9/11 community in early treatment and detection of thyroid cancer.

AMENDMENTS SUBMITTED AND PROPOSED

SA 924. Mr. MCCAIN (for himself, Mr. ROCKEFELLER, Mr. JOHANNS, Mr. BARRASSO, Mr. ENZI, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 924. Mr. McCAIN (for himself, Mr. ROCKEFELLER, Mr. JOHANNS, Mr. BARRASSO, Mr. ENZI, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes; which was ordered to lie on the table; as follows:

In title I of Division B, insert after section 117 the following:

Sec. 118. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay compensation for senior executives at the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation in the form of bonuses, during any period of conservatorship for those entities on or after the date of enactment of this Act.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, November 15, 2011, at 10:00 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the Department of Energy's Quadrennial Technology Review (QTR) and two bills pending before the Committee:

S. 1703—Quadrennial Energy Review Act of 2011, and

S. 1807—Energy Research and Development Coordination Act of 2011

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510–6150, or by email to Meagan_Gins@energy.senate.gov.

For further information, please contact Jennifer Nekuda Malik at 202–224–5479, Linda Lance at 202–224–7556, or Meagan Gins at 202–224–0883.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MERKLEY. I ask unanimous consent that notwithstanding rule XXII, at 12 noon, Tuesday, November 8, 2011, the Senate proceed to Executive Session to consider Calendar No. 405, under the previous order.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MERKLEY. I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 465, that the nomination be confirmed with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

Mrs. FEINSTEIN. Mr. President, I support the confirmation of the President's nominee to be the first inspector general of the intelligence community, Irvin Charles McCullough III.

The position of Inspector General of the Intelligence Community—or ICIG—was created in the fiscal year 2010 Intelligence Authorization Act, after several years of effort to have the position enacted. The reason to have a Community-wide inspector general is similar to the reason to have a Director of National Intelligence.

The ICIG is intended to review, and conduct oversight on, intelligence activities across the 16 agencies that make up the intelligence community, as well as the Office of the DNI, instead of having every agency—and its IG—operate within its own stovepipe.

In recent years, the intelligence agencies have worked more closely together. This has improved performance and reduced duplication, but it has also made the oversight work of individual agency inspectors general more difficult.

The Intelligence Committee saw there was a need to create an inspector general with authority and oversight of the entire intelligence community, and one who could look at issues that cut across individual agencies.

That view was reinforced by the relative weakness of the inspector general position in the Office of the DNI that was authorized as part of the Intelligence Reform Act of 2004.

Thus, the committee pushed to have created the inspector general of the intelligence community, to be confirmed by the Senate and given the statutory authorities and independence of other Senate-confirmed inspectors general.

Mr. McCullough is well-qualified to be this first ICIG. He has long experience conducting investigations both as an inspector general and a FBI agent. He is an attorney and is well-familiar with the intelligence community.

Mr. McCullough currently serves as the deputy inspector general of the DNI's Office of the Inspector General. From 2003 to 2010, he was an assistant inspector general for the National Security Agency. He served from 2001–2003 as senior counsel for law enforcement and intelligence in the Office of the General Counsel, U.S. Department of the Treasury and was for 10 years in the Federal Bureau of Investigation as attorney, special agent and supervisory special agent.

The Intelligence Committee received Mr. McCullough's nomination in August. After Mr. McCullough answered the committee's questionnaire and prehearing questions, we held a public hearing with him on September 22. On October 4, the Intelligence Committee voted out Mr. McCullough's nomination on a rollcall vote of 15 to 0. His nomination was also considered in the Homeland Security and Government Affairs Committee and has moved forward by unanimous consent.

This important post will now be filled, and Mr. McCullough is qualified and prepared to take on the responsibilities and authorities of the position.

I support his confirmation.

The nomination considered and confirmed is as follows:

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Irvin Charles McCullough III, of Maryland, to be Inspector General of the Intelligence Community, Office of the Director of National Intelligence.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate resumes legislative session.

COMMENDING THE GIRL SCOUTS OF THE USA

Mr. MERKLEY. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 312, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 312) commending Girl Scouts of the USA on the special occasion of its 52nd annual convention and commending the commitment of Girl Scouts of the USA to the mission of fostering the courage, confidence, and character that girls need to become leaders and make the world a better place.

There being no objection, the Senate proceeded to the resolution.

Mr. MERKLEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 312) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 312

Whereas, on March 12, 1912, founder Juliette Gordon Low organized the first troop of Girl Scouts of the USA (referred to in this preamble as ''Girl Scouts'');

Whereas, on March 16, 1950, Girl Scouts became the first national organization for girls to be granted a Federal charter by Congress;

Whereas Girl Scouts regularly informs Congress of its progress and program initiatives through annual reports;

Whereas Girl Scouts actively promotes initiatives to help young women discover their full potential by—

(1) instilling a sound foundation of positive values;

(2) developing a sense of service;

(3) facilitating creative decision-making; and

(4) turning girls into model citizens and leaders of their community, the country, and the world;

Whereas Girl Scouts is holding its 52nd Convention in November 2011 in Houston, Texas;

Whereas the 2011 Girl Scout Leadership Institute, which will run at the 52nd Convention, encourages young women, ages 13 to 18, to explore and build skills in math, science, business, and technology to prepare for future success in the increasingly competitive global marketplace;

Whereas the 2011 Girl Scout Leadership Institute, under the theme of ''Leadership and Innovation, the Next 100 Years''—

(1) seeks to advance leadership opportunities for girls;

(2) promotes programs that offer advanced curriculum;

(3) engages over 1,200 young women from across the globe;

(4) connects young women to industry professionals;

(5) builds the interest of young women in innovation and technology;

(6) addresses global issues; and

(7) teaches life-long leadership abilities and teamwork skills in an interactive environment;

Whereas Girl Scouts has renewed the focus on involving girls in ''innovative, hands-on experiences in science, technology, engineering, and math'' (referred to in this preamble as ''STEM'') that ''strengthen the natural aptitudes of girls and acquaint them with new career options and tools for future independence'';

Whereas Girl Scouts develops girl-centered programs that—

(1) are attuned to the ever-changing needs of women working in the current global market; and

(2) encourage girls to actively engage in STEM activities, facilitating valuable real-world experiences that are integral to developing the next female leaders of the United States;

Whereas Girl Scouts remains a preeminent organization with 3,200,000 members, dedicated solely to—

(1) inspiring generations of girls to reach for their goals, challenge stereotypes, and develop to their full potential; and

(2) advancing opportunities for women to accomplish feats previously thought impossible for the female gender; and

Whereas Girl Scouts has significantly contributed to the advancement of the United States for 100 years by instilling in young women the leadership qualities on which the strength of the United States depends: Now, therefore, be it

Resolved, That the Senate—

(1) commends Girl Scouts of the USA for organizing—

(A) the 2011 National Council Session and the 52nd Convention;

(B) the 2011 Girl Scout Leadership Institute; and

(C) the 2011 ''Leadership and Innovation, the Next 100 Years'' workshops; and

(2) commends Girl Scouts of the USA for continuing to create learning opportunities and activities for young women to develop strong leadership values and life skills.

CONGRATULATING THE UNIVERSITY OF WASHINGTON

Mr. MERKLEY. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 313, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 313) congratulating the University of Washington on its sesquicentennial and recognizing the contributions of the University of Washington to the State of Washington and the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MERKLEY. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 313) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 313

Whereas the University of Washington was founded on November 4, 1861, making it the oldest public university on the west coast of the United States;

Whereas the University of Washington has since grown into an internationally acclaimed research university, spanning 3 campuses in the greater Puget Sound area and enrolling nearly 50,000 students, including international students from 18 countries;

Whereas the faculty of the University of Washington has been repeatedly recognized for excellence, including through the awarding of 4 Nobel Prizes and 15 ''Genius Grants'' by the MacArthur Foundation, among other awards;

Whereas research at the University of Washington has played a critical role in supporting the advancement of knowledge and industry in the State of Washington and the rest of the country;

Whereas the University of Washington serves as a cultural hub for the Seattle community through world-class venues such as the Henry Art Gallery and Meany Hall for the Performing Arts;

Whereas the University of Washington is home to the Daniel J. Evans School of Public Affairs, the oldest institution dedicated to public policy at a public institution of higher education;

Whereas, for more than 100 years, the University of Washington's Henry M. Jackson School of International Studies has been at the forefront of international education and research, with a particular educational emphasis on the relations of the United States to the Asia-Pacific Region;

Whereas the University of Washington Medical School and its associated hospitals have been recognized as some of the finest medical facilities in the world, home to the inventors of the first long-term procedure for kidney dialysis and the world's first multidisciplinary pain care center, as well as helping train physicians throughout the western United States through partnerships with medical schools in Wyoming, Alaska, Montana, and Idaho; and

Whereas November 4, 2011, is the 150th anniversary of the founding of the University of Washington: Now therefore, be it

Resolved, That the Senate—

(1) honors the University of Washington on its sesquicentennial;

(2) recognizes the contributions of the University of Washington to the State of Washington and the United States;

(3) salutes the University of Washington's distinguished legacy of academic excellence, path-breaking research, and partnership with its community; and

(4) extends its congratulations to the students, faculty, staff, and alumni of the University of Washington.

MEASURES PLACED ON THE CALENDAR—H.R. 1070 AND H.R. 1965

Mr. MERKLEY. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the bills for the second time.

A bill (H.R. 1070) to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

A bill (H.R. 1965) to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

Mr. MERKLEY. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be placed on the calendar under rule XIV.

MEASURES READ THE FIRST TIME EN BLOC—H.R. 2930 AND H.R. 2940

Mr. MERKLEY. I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The bills will be read for the first time by title.

The legislative clerk read as follows:

A bill (H.R. 2930) to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes.

A bill (H.R. 2940) to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D.

Mr. MERKLEY. I ask for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection having been heard, there will be a second reading on the next legislative day.

ORDERS FOR TUESDAY, NOVEMBER 8, 2011

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate adjourn until 10 a.m. on Tuesday, November 8, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and 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 for 1 hour, with Senators permitted to speak therein for up to 10

minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to H.R. 674, the 3 Percent Withholding Repeal Act, postcloture; further, that at 12 p.m. the Senate proceed to executive session under the previous order and that when the Senate resumes legislative session following the rollcall vote on confirmation of the Wallach nomination, the Senate recess until 2:15 p.m. to allow for the weekly caucus meetings; finally, that all time during adjournment, morning business, executive session, and recess count postcloture on the motion to proceed to H.R. 674.

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

PROGRAM

Mr. MERKLEY. Mr. President, there will be a rollcall vote at approximately 12:15 p.m. tomorrow on confirmation of the Wallach nomination. Additionally, we expect to begin consideration of H.R. 674 during tomorrow's session.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MERKLEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:36 p.m., adjourned until Tuesday, November 8, 2011, at 10 a.m.

DISCHARGED NOMINATIONS

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nominations under the authority of the order of the Senate of January 7, 2009 and the nominations were placed on the Executive Calendar:

*IRVIN CHARLES MCCULLOUGH III, OF MARYLAND, TO BE INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

*DAVID A. MONTOYA, OF TEXAS, TO BE INSPECTOR GENERAL, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

CONFIRMATION

Executive nomination confirmed by the Senate November 7, 2011:

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

IRVIN CHARLES MCCULLOUGH III, OF MARYLAND, TO BE INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

EXTENSIONS OF REMARKS

IN CELEBRATION OF THE LIFE AND THEATRICAL ACHIEVEMENTS OF SHAUNEILLE PERRY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2011

Mr. RANGEL. Mr. Speaker, today I rise with great cultural pride to join Byron Lewis, CEO of Uniworld Group, Woodie King, Jr., Founder and Executive Artistic Director of New Federal Theatre and Voza Rivers, Co-Founder and Executive Producer of New Heritage Theatre to celebrate the life and theatrical achievements of renowned actor, author, director and educator, Shauneille Perry.

On November 13, 2011, at Harlem's landmarked Riverside Church, the Uniworld Group, New Federal Theatre and New Heritage Theatre will join hundreds of actors, playwrights, designers, technicians, and students in the field of Black Theater to say thank you to Shauneille Perry for her historic accomplishments and contributions to American Theater.

Shauneille Perry was born on July 26, 1929, in Chicago to a very prominent African American family. Her father, Graham T. Perry, was one of the first African American Assistant Attorney Generals for the State of Illinois. Her mother, the former Laura Pearl Gant, was one of the first African American court reporters for the City of Chicago. Ms. Perry is also the niece of real estate broker and political activist Carl Augustus Hansberry and Africanist scholar William Leo Hansberry. She is also the first cousin of Carl Hansberry's daughter, Lorraine Hansberry, famous playwright and author of the 1973 Tony Award Best Musical, A Raisin in the Sun.

Shauneille attended Howard University, where she was a member of the Howard Players under the direction of Owen Dodson. In 1950, she received a B.A. in drama from Howard. Her studies followed at the Goodman Theatre Art Institute in Chicago, where she received her M.A. in directing. She is also a Fulbright Scholar at the Royal Academy of Dramatic Art in London.

In Chicago of 1957, Perry married Architect Donald Ryder. Several months later, she received national exposure as the second place winner in the 1958 Picturama Contest, an essay competition sponsored by Ebony Magazine. She took advantage of the prize with her husband, which was a $4,000, three-week tour of Paris. By the end of the decade, the couple relocated to New York City, where it did not take long for her to establish herself as an actor.

In the late 1950s and early 1960s, she acted in various productions on the New York stage including The Goose, Dark of the Moon, Talent '60, Ondine, Clandestine on the Morning Line and The Octoroon. Her work as Lilly Ruth, a pregnant girl in the short-lived off-Broadway production of Clandestine on the Morning Line received particular notice. After her many successes as a performing actor, Shauneille switched her career toward writing, directing, and raising a family.

Following in the footsteps of Vinnette Carroll, the first great African American playwright, stage director, and actor to direct on Broadway with the hit gospel revue, Don't Bother Me, I Can't Cope, Shauneille became one of the first African American women to direct on the New York stage. Her notable works on the Broadway and on the national and international tour stage include one of her early efforts, the Mau Mau Room, at the Negro Ensemble Company. It was the first major stage production of a play written by J.E. Franklin.

Shauneille Perry staged the productions of Strivers Row, Looking Back, the music of Micki Grant by Rosalie Pritchett, Sty of the Blind Pig by Phillip Hayes Dean for the Negro Ensemble Company, Moon on a Rainbow Shawl produced by Voza Rivers at Harlem's Roger Furman's New Heritage Theatre, the award-winning production of Paul Robeson, and the original off-Broadway production of J.E. Franklin's play, Black Girl for Woodie King, Jr.'s New Federal Theatre, which became a film directed by another award winning actor and civil rights activist Ossie Davis.

A gifted writer of several plays including Pearl, a short story collection and children's musical Mio, which she staged as a workshop production at the New Federal Theatre in the fall of 1971. Shauneille's work includes Sass and Class, In Dahomey, Music Magic, Daddy Goodness with Clifton Davis; Last Night, Night Before, Things of the Heart, Marian Anderson's Story, and Sounds of the City, a 15 minute daily soap opera that aired on the Mutual Black Network in the mid-1970s for Byron Lewis' Uniworld Group, Inc. Shauneille Perry's other gifted works include the KCET teleplay of John Henry Redwood's Old Settler starring Phylicia Rashad and Debbie Allen, Black Beauties for Equity Fights Aids and the narrative for the 2005 Harlem Exhibition at the Museum of the City of New York.

An innovator and contributor of the Black Arts Movement, Shauneille Perry has been honored with four AUDELCO Awards, two CEBAS, the Lloyd Richards Award of Directing (National Black Theatre Festival), the Black Rose of Achievement (Encore Magazine), the distinguished Howard Player and Alumni Awards, and the Scholar Achievement Award from Lehman College of the City University of New York, where she was a professor of Theatre and Black Studies.

Mr. Speaker, please join me and a grateful nation in celebrating the life and theatrical achievements of Shauneille Perry as a living legend of the American and Black Theater. Her talented works and legacy will forever remain in our ever-changing world. With her accomplishments and contributions, the Black Theatre community has had the opportunity to help advance the quality and heritage of the American Theatre.

150TH YEAR OF THE UNIVERSITY OF WASHINGTON

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2011

Mr. REICHERT. Mr. Speaker, I am happy to co-sponsor the resolution commemorating the 150th anniversary of the founding of the University of Washington. On this momentous occasion, I'd like to personally thank UW for its outreach to the community, academic leadership, and overall impact on the Puget Sound region.

Each time I return to my district, Mr. Speaker, I am reminded of the incredible work of the University of Washington and its many contributions to our state and nation. The UW is not only a leader in educating students, but also the entire community; hosting several professional and informal public events on medicine, agriculture, the environment, current events, history, transportation, weather patterns, and much more. The pioneering work done at UW research laboratories in medical research is astounding. The university collaborates with other professional organizations as well as academic institutions; no duplication, just groundbreaking research. The teaching and research at UW have international significance. It is saving lives and changing long-held perceptions. Across cultures and countries, UW's work is significant.

Every year, UW is featured as one of the leading universities in the nation—indeed, in the world. Its schools of medicine, science, forestry, engineering, business, public affairs, and law consistently rank at or near the top of multiple ratings lists. It is an amazing place to learn and grow. The Puget Sound—and the world—is a better place because of UW.

Especially during football season, watching dozens of people, young and old, walking down the street wearing the purple-and-gold is remarkable. The support for every part of the UW from its alumni is a testament to its influence and longevity. The community loves UW and UW loves its community. The professors, students, faculty, alumni, boosters, coaches, and facilities that make the Puget Sound home, also make the Puget Sound unique.

Mr. Speaker, the University of Washington is a unique and historic institution. Its true impact is immeasurable. UW's outreach and academic accomplishments are legendary. Here's to the next 150 years, Mr. Speaker. Go Dawgs!

IN CELEBRATION OF THE OLD BROADWAY SYNAGOGUE'S 100TH ANNIVERSARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2011

Mr. RANGEL. Mr. Speaker, today I rise to celebrate with the parishioners of my beloved

Old Broadway Synagogue as it marks a century of service to the Harlem Jewish community. For 100 years, Old Broadway Synagogue has been one of many important components contributing to make Harlem a stronger, more peaceful and diverse community.

The history of the Old Broadway Synagogue is parallel with that of the American story. It is the story that shows dedication, passion, struggles, which ultimately lead to prosperity. In 1911, when a group of businessmen arrived in America, they came together to establish an institution in order to exercise and enrich their religious beliefs. For thirteen years, early members congregated in a small, available space of bars and café. Even its lack of sufficient location to convene, the group brought together an even closer community. In 1924, the institution had transformed into a Synagogue, which has become a part of Harlem's rich and diverse history. The Old Broadway Synagogue was opened for service as it was situated between Manhattan Street and Lawrence.

The Synagogue's effort to educate the local community is written all over the name given by the early Founders. They chose ''Chevra Talmud Torah Anshei Marovi'', which means, the ''Society for the Study of the Torah for the people of the West''. In the last century, the Synagogue has been well-received by the community. Dedicated members have continued to contribute to the construction and renovation of the Synagogue. Today, Old Broadway consists of seventy dedicating members, all who are very devoted to teaching and spreading the spiritual and ethical ideals of the Jewish traditions.

When speak about the long and proud history of this synagogue, one cannot forget many great leaders who have brought this worship place together and forward. Rabbi Jacob Kret had made tremendous contributions in terms of leadership and history of the synagogue. He was a native of Ostrow Mazowiecka, a city located in northern Poland. After the Second World War broke out, Rabbi Kret left to Lithuania but was later captured by Soviet troops. Among many, he was sent to Siberia. In 1950, the Krets family arrived in United States; later he became a spiritual leader of the Synagogue. After the war ended, refugees from Europe arrived in United States. Many were in need of shelters. The Krets family generously accommodated and assisted them during the new transition process. Mr. Speaker, this kind gesture is one of many reasons Old Broadway Synagogue remains so important in my community and my heart. I can truly say that Old Broadway is my Synagogue. The story of this religious institution reflects, so clear, the similar story of the devoted Americans and migrants; that is we always reach out to the people who are in need of help.

Mr. Speaker, I would like to conclude my remarks today by expressing my utmost appreciation for Old Broadway for all it has done for this community. Even if Old Broadway Synagogue were, perhaps, a smaller religious institution, but it is undeniable that the history of this institution is long and rich, where the congregation's action positively impacted Harlem. I would like to once again congratulate Old Broadway on its 100th anniversary.

HONORING ROBERT W. DARTER, M.D. OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2011

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of Doctor Robert W. Darter's receiving the Frederick K.M. Plessner Award for serving families in a rural county by the Napa County Medical Society.

Dr. Darter was born and raised in Berkeley. He graduated from UC Berkeley with honors in public health in 1954 and received his medical degree from Northwestern University in 1958. He began working as an Epidemic Intelligence Service Office with the Center for Disease Control in 1959 and continues to be the Chief Epidemiologist at the St. Helena Hospital and Health Center.

In 1970 he and his two partners formed what is now the Napa Valley Family Medical Group, which was one of the first incorporated medical groups in the state of California and who now includes eight family physicians. Dr. Darter also had the vision in 1976 to buy a 16mb IBM to document finances, patient appointments and other aspects of a medical practice.

In 1976 he became President of the Napa County Medical Society and has been active in several organizations throughout the years, such as the Napa County Maternal, Child and Adolescent Health Advisory Board, and the Napa County Health and Disability Prevention Board. He obtained the Lifetime Achievement Award in 2006 from the St. Helena Chamber of Commerce.

He has also given back to his community by being a founding member of the St. Helena Public Library and is working on obtaining a charitable status for the St. Helena Public Library Foundation. Dr. Darter began serving as the side line team physician in 1970 for the St. Helena High School Saints and he continues to follow to the team to away games. Through the Kiwanis Club of St. Helena he has made several trips to El Fuerte, Mexico to bring much needed medical care to the local hospital. Yet, his long time passion has been the Boy Scouts, starting as a Troop One assistant scout master in 1962 through 1982. In 1991 he won the Silver Beaver Award, which is the Boy Scouts highest award given to adult leaders.

Dr. Darter is well known in the Napa Valley for his continued work in the community and is fortunate enough to be surrounded by his loving family and life-long friends. He and his wife Jan have five children, Robert Darter IV, Michael Darter, James Darter, John Darter and Kimberly Darter.

Mr. Speaker, it is appropriate at this time that we acknowledge Dr. Robert W. Darter for his decades of devoted service to the Napa Valley community on this day.

IN CELEBRATION OF ALL SOULS' EPISCOPAL CHURCH'S 150TH ANNIVERSARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 2011

Mr. RANGEL. Mr. Speaker, I rise today to express my warm congratulation for All Souls' Episcopal Church for its monumental 150th Anniversary. All Souls' Episcopal Church has lived up to its mission since its early establishment. Today, the Church continues to serve the Harlem community residents with great pride. For the last 150 years, All Souls' have walked through difficult paths, but each time the congregation and the leadership has been able to overcome the struggles.

All Souls' long history began in 1859 when early members gathered in a large room of a Depot on Sixth Avenue. Two years later, due to an unexpected demographic expansion, the leadership saw that it was necessary to relocate to a more suiting location. The construction of a new Church began. The consecration of the 48th Street became the home of the community up until 1906. In between this period, at least until 1902, All Souls' had reached its apogee. Under the leadership of Reverend Dr. Herber Newton, the Church was considered the most ''fashionable'' out of all churches in town. Reverend Dr. Newton's preaching and charisma were able to draw members from all classes and backgrounds. At this time, the exploding list of membership brought back the reconsideration of relocating the Church. The consecration was moved from 48th Street to 66th Street.

In 1902, Reverend Dr. Newton retired due to advancing age. The congregation was grateful for his leadership and bright visions. In 1906, All Souls' merged with the Church of the Archangel and relocated to the present location on 88 St. Nicholas Avenue. The two Churches stood side by side, sought strength for one another while reaching out to the community with high dedication and enthusiasm.

In the 1920s, the drastic change of demographic of the era was noticeable. Hispanics and African Americans began to move uptown, where at the time this area was heavily consisted of Caucasian population. A great lesson was learned with this new change. While our Nation was sunk into a deep racial violence and movements against the Black communities, All Souls' took the utmost civil action to defeat racism that occurred within the Church's leadership. The disagreement, which led to bitterness took place between the Vestry and Reverend Dodd, displays a valuable lesson for many to learn—one must stand up to speak for his or her principle despite social surrounding pressures. The courageous act of Reverend Dodd and Bishop Manning eventually enabled ''all people in the neighborhood'', regardless of race and color, to attend the services.

The livelihood of the Church was revived under the leadership of Reverend Lauder. Under his ministry, All Souls' was able to welcome old and new members. In addition, the Church was able to contribute to the community through programs. Reverend Lauder led the congregation and the community to establish a program, which reached out to assist those who needed shelters. This action

strongly reflects the mission of the church from the beginning and sends a genuine message to the community that together there is nothing we cannot do.

All Souls' Episcopal Church has contributed much to the strength and growth of Harlem. In the last few years, All Souls' has provided after school and summer programs, which were made available not only to Church members but to the entire community. This is the kind of message our community needs. Not only that All Souls' preaches the idea of openness and lending hands to those who have less than us, but it actually put the idea to practice and have certainly made an impact on one's life.

Mr. Speaker, colleagues, allow me to take this moment to wish All Souls' Episcopal Church and its congregation a special 150th Anniversary in this extraordinary moment of their history. With one and a half century of chronicle, struggles, and achievements, I can say without hesitation that All Souls' has become an essential element leading to the remarkable transformation of Harlem. The victory in the battle against racism within the Church contributed to the overall victory of the Civil Rights movement about four decades later. I am grateful for this institution's existence and its extensive efforts to reach out to all people regardless of race or color.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 8, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 9

10 a.m.

Environment and Public Works

Business meeting to consider an original bill entitled, ''Moving Ahead for Progress in the 21st Century Act''.

SD–406

Homeland Security and Governmental Affairs

Business meeting to consider S. 1789, to improve, sustain, and transform the United States Postal Service, H.R. 2061, to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries in connection with their employment, S. Res. 296, commemorating the 50th anniversary of the Combined Federal Campaign, and the nominations of Nancy Maria Ware, to be Director of the Court Services and Offender Supervision Agency for the District of Columbia, Michael A. Hughes, to be United States Marshal for the Superior Court of the District of Columbia, Department of Justice, and Danya Ariel Dayson, Peter Arno Krauthamer, and John Francis McCabe, all to be an Associate Judge of the Superior Court of the District of Columbia.

SD–342

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine securing our nation's transportation system, focusing on oversight of Transportation Security Administration's current efforts.

SR–253

Foreign Relations

Near Eastern and South and Central Asian Affairs Subcommittee

To hold hearings to examine United States policy in Syria.

SD–419

Judiciary

Privacy, Technology and the Law Subcommittee

To hold hearings to examine health and privacy, focusing on protecting health information in a digital world.

SD–226

NOVEMBER 10

9:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

10 a.m.

Armed Services

To hold hearings to examine whether the Chief, National Guard Bureau should be a member of the Joint Chiefs of Staff.

SD–G50

Banking, Housing, and Urban Affairs

To hold hearings to examine opportunities and challenges for economic development in Indian country.

SD–538

Finance

To hold hearings to examine unemployment insurance, focusing on the path back to work.

SD–215

Judiciary

Business meeting to consider S. 598, to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage, S. 1793, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, H.R. 2076, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, S. 1794, to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, H.R. 347, to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, H.R. 2189, to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and the nominations of Susie Morgan, to be United States District Judge for the Eastern District of Louisiana, and Michael E. Horowitz, of Maryland, to be Inspector General, Department of Justice.

SH–216

2:15 p.m.

Indian Affairs

To hold hearings to examine S. 1192, to supplement State jurisdiction in Alaska Native villages with Federal and tribal resources to improve the quality of life in rural Alaska while reducing domestic violence against Native women and children and to reduce alcohol and drug abuse and for other purposes, S. 872, to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is considered to be held in trust and to provide for the conduct of certain activities on the land, and S. 1763, to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior.

SD–628

2:30 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the role of health care delivery system reform, focusing on improving quality and lowering costs.

SD–430

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Roslyn Ann Mazer, of Maryland, to be Inspector General, Department of Homeland Security.

SD–342

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

NOVEMBER 15

10 a.m.

Energy and Natural Resources

To hold hearings to examine the Department of Energy's Quadrennial Technology Review (QTR), and S. 1703, to amend the Department of Energy Organization Act to require a Quadrennial Energy Review, and S. 1807, to amend the Federal Nonnuclear Energy Research and Development Act of 1974 to provide for the prioritization, coordination, and streamlining of energy research, development, and demonstration programs to meet current and future energy needs.

SD–366

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Rebecca M. Blank, of Maryland, to be Deputy Secretary of Commerce, and Jon D. Leibowitz, of Maryland, and Maureen K. Ohlhausen, of Virginia, both to be a Federal Trade Commissioner.

SR–253

NOVEMBER 17

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the Secretary of the Interior's Order No. 3315 to consolidate and establish the Office of Surface Mining Reclamation and Enforcement within the Bureau of Land Management.

SD–366

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine the future of internet gaming, focusing on what's at stake for tribes.

SD–628

NOVEMBER 30

10 a.m.

Veterans' Affairs

To hold hearings to examine Veterans' Affairs mental health care, focusing on addressing wait times and access to care.

SR–418

DECEMBER 6

2:30 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine the Express Scripts/Medco merger.

SD–226

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7145–S7161

Measures Introduced: Seven bills and three resolutions were introduced, as follows: S. 1810–1816, and S. Res. 312–314. **Pages S7154–55**

Measures Reported:

Report to accompany S. 1151, to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information. (S. Rept. No. 112–91) **Page S7154**

Measures Passed:

Girl Scouts of the USA: Senate agreed to S. Res. 312, commending Girl Scouts of the USA on the special occasion of its 52nd annual convention and commending the commitment of Girl Scouts of the USA to the mission of fostering the courage, confidence, and character that girls need to become leaders and make the world a better place. **Pages S7159–60**

University of Washington Sesquicentennial: Senate agreed to S. Res. 313, congratulating the University of Washington on its sesquicentennial and recognizing the contributions of the University of Washington to the State of Washington and the United States. **Page S7160**

Measures Considered:

3% Withholding Repeal and Job Creation Act—Agreement: Senate resumed consideration of the motion to proceed to consideration of H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain health care-related programs. **Page S7151**

During consideration of this measure today, Senate also took the following action:

By 94 yeas to 1 nay (Vote No. 198), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill. **Page S7151**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill post-cloture at approximately 11 a.m., on Tuesday, November 8, 2011; and that all time during adjournment, morning business, Executive Session and recess count post-cloture on the motion to proceed to consideration of the bill. **Page S7161**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of the national emergency with respect to Iran that was declared in Executive Order 12170 on November 14, 1979; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–32) **Page S7151**

Wallach Nomination—Agreement: A unanimous-consent agreement was reached providing that notwithstanding Rule XXII, at 12 noon, on Tuesday, November 8, 2011, Senate begin consideration of the nomination of Evan Jonathan Wallach, of New York, to be United States Circuit Judge for the Federal Circuit, under the order of Thursday, November 3, 2011. **Page S7159**

Nomination Confirmed: Senate confirmed the following nomination:

Irvin Charles McCullough III, of Maryland, to be Inspector General of the Intelligence Community, Office of the Director of National Intelligence. **Page S7159**

Nomination Discharged: The following nomination was discharged from further committee consideration and placed on the Executive Calendar:

David A. Montoya, of Texas, to be Inspector General, Department of Housing and Urban Development, which was sent to the Senate on July 18, 2011, from the Senate Committee on Homeland Security and Governmental Affairs. **Page S7161**

Messages from the House: **Page S7152**

Measures Placed on the Calendar: **Page S7152**

Measures Read the First Time: Page S7152

Executive Communications: Pages S7152–54

Additional Cosponsors: Pages S7155–56

Statements on Introduced Bills/Resolutions: Pages S7156–57

Additional Statements: Page S7158

Amendments Submitted: Pages S7158–59

Notices of Hearings/Meetings: Page S7159

Record Votes: One record vote was taken today. (Total—198) Page S7151

Adjournment: Senate convened at 2 p.m. and adjourned at 6:36 p.m., until 10 a.m. on Tuesday, November 8, 2011. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7161.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: There were no public bills and resolutions introduced today.

Additional Cosponsors: Page H7402

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein he appointed Representative Upton to act as Speaker pro tempore for today. Page H7401

Chaplain: The prayer was offered by the guest chaplain, Reverend Dr. Alan Keiran, Office of the United States Senate Chaplain. Page H7401

Quorum Calls—Votes: There were no yea-and-nay votes, and there were no recorded votes. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 10:04 a.m.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, NOVEMBER 8, 2011

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: To hold hearings to examine the Committee's investigation into counterfeit electronic parts in the Department of Defense supply chain, 9:30 a.m., SD–G50.

Committee on Energy and Natural Resources: To hold hearings to examine market developments for United States natural gas, including the approval process and potential for liquefied natural gas exports, 10:30 a.m., SD–366.

Committee on Foreign Relations: To hold hearings to examine the nominations of Roberta S. Jacobson, of Maryland, to be Assistant Secretary for Western Hemisphere Affairs, Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador, Adam E. Namm, of New York, to be Ambassador to the Republic of Ecuador, and Elizabeth M. Cousens, of Washington, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations, and to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador, all of the Department of State, 10 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: To hold hearings to examine beyond No Child Left Behind (NCLB), focusing on views on the Elementary and Secondary Education Reauthorization Act, 10 a.m., SD–106.

Committee on Homeland Security and Governmental Affairs: To hold hearings to examine the nominations of Nancy Maria Ware, to be Director of the Court Services and Offender Supervision Agency for the District of Columbia, Michael A. Hughes, to be United States Marshal for the Superior Court of the District of Columbia, Department of Justice, and Danya Ariel Dayson, Peter Arno Krauthamer, and John Francis McCabe, all to be an Associate Judge of the Superior Court of the District of Columbia, 2 p.m., SD–628.

Committee on the Judiciary: to hold an oversight hearing to examine the Department of Justice, 10 a.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

No hearings are scheduled.

CONGRESSIONAL PROGRAM AHEAD

Week of November 8 through November 12, 2011

Senate Chamber

On *Tuesday,* at approximately 11 a.m., Senate will continue consideration of the motion to proceed to consideration of H.R. 674, 3% Withholding Repeal and Job Creation Act.

On *Tuesday,* at 12 p.m., Senate will begin consideration of the nomination of Evan Jonathan Wallach, of New York, to be United States Circuit Judge for the Federal Circuit, with a vote on confirmation of the nomination at approximately 12:15 p.m.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Armed Services: November 8, to hold hearings to examine the Committee's investigation into counterfeit electronic parts in the Department of Defense supply chain, 9:30 a.m., SD–G50.

November 10, Full Committee, to hold hearings to examine whether the Chief, National Guard Bureau should be a member of the Joint Chiefs of Staff, 10 a.m., SD–G50.

Committee on Banking, Housing, and Urban Affairs: November 10, to hold hearings to examine opportunities and challenges for economic development in Indian country, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: November 9, to hold hearings to examine securing our nation's transportation system, focusing on oversight of Transportation Security Administration's current efforts, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: November 8, to hold hearings to examine market developments for United States natural gas, including the approval process and potential for liquefied natural gas exports, 10:30 a.m., SD–366.

November 10, Full Committee, business meeting to consider pending calendar business, 9:30 a.m., SD–366.

Committee on Environment and Public Works: November 9, business meeting to consider an original bill entitled, "Moving Ahead for Progress in the 21st Century Act", 10 a.m., SD–406.

Committee on Finance: November 10, to hold hearings to examine unemployment insurance, focusing on the path back to work, 10 a.m., SD–215.

Committee on Foreign Relations: November 8, to hold hearings to examine the nominations of Roberta S. Jacobson, of Maryland, to be Assistant Secretary for Western Hemisphere Affairs, Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador, Adam E. Namm, of New York, to be Ambassador to the Republic of Ecuador, and Elizabeth M. Cousens, of Washington, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations, and to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador, all of the Department of State, 10 a.m., SD–419.

November 9, Subcommittee on Near Eastern and South and Central Asian Affairs, to hold hearings to examine United States policy in Syria, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: November 8, to hold hearings to examine beyond No Child Left Behind (NCLB), focusing on views on the Elementary and Secondary Education Reauthorization Act, 10 a.m., SD–106.

November 10, Full Committee, to hold hearings to examine the role of health care delivery system reform, focusing on improving quality and lowering costs, 2:30 p.m., SD–430.

Committee on Homeland Security and Governmental Affairs: November 8, to hold hearings to examine the nominations of Nancy Maria Ware, to be Director of the Court Services and Offender Supervision Agency for the District of Columbia, Michael A. Hughes, to be United States Marshal for the Superior Court of the District of Columbia, Department of Justice, and Danya Ariel Dayson, Peter Arno Krauthamer, and John Francis McCabe, all to be an Associate Judge of the Superior Court of the District of Columbia, 2 p.m., SD–628.

November 9, Full Committee, business meeting to consider S. 1789, to improve, sustain, and transform the United States Postal Service, H.R. 2061, to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries in connection with their employment, S. Res. 296, commemorating the 50th anniversary of the Combined Federal Campaign, and the nominations of Nancy Maria Ware, to be Director of the Court Services and Offender Supervision Agency for the District of Columbia, Michael A. Hughes, to be United States Marshal for the Superior Court of the District of Columbia, Department of Justice, and Danya Ariel Dayson, Peter Arno Krauthamer, and John Francis McCabe, all to be an Associate Judge of the Superior Court of the District of Columbia, 10 a.m., SD–342.

November 10, Full Committee, to hold hearings to examine the nomination of Roslyn Ann Mazer, of Maryland, to be Inspector General, Department of Homeland Security, 2:30 p.m., SD–342.

Committee on Indian Affairs: November 10, to hold hearings to examine S. 1192, to supplement State jurisdiction in Alaska Native villages with Federal and tribal resources to improve the quality of life in rural Alaska while reducing domestic violence against Native women and children and to reduce alcohol and drug abuse and for other purposes, S. 872, to amend the Omnibus Indian

Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is considered to be held in trust and to provide for the conduct of certain activities on the land, and S. 1763, to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, 2:15 p.m., SD–628.

Committee on the Judiciary: November 8, to hold an oversight hearing to examine the Department of Justice, 10 a.m., SD–226.

November 9, Subcommittee on Privacy, Technology and the Law, to hold hearings to examine health and privacy, focusing on protecting health information in a digital world, 2:30 p.m., SD–226.

November 10, Full Committee, business meeting to consider S. 598, to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage, S. 1793, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, H.R. 2076, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, S. 1794, to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, H.R. 347, to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, H.R. 2189, to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and the nominations of Susie Morgan, to be United States District Judge for the Eastern District of Louisiana, and Michael E. Horowitz, of Maryland, to be Inspector General, Department of Justice, 10 a.m., SH–216.

Select Committee on Intelligence: November 8, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

November 10, Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

Next Meeting of the SENATE

10 a.m., Tuesday, November 8

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of the motion to proceed to consideration of H.R. 674, 3% Withholding Repeal and Job Creation Act. At 12 p.m., Senate will begin consideration of the nomination of Evan Jonathan Wallach, of New York, to be United States Circuit Judge for the Federal Circuit, with a vote on confirmation of the nomination at approximately 12:15 p.m.

(Senate will recess following the roll call vote on the nomination of Evan Jonathan Wallach until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

2:30 p.m., Thursday, November 10

House Chamber

Program for Thursday: The House will meet in pro forma session at 2:30 p.m.

Extensions of Remarks, as inserted in this issue

HOUSE

Rangel, Charles B., N.Y., E2021, E2021, E2022
Reichert, David G., Wash., E2021
Thompson, Mike, Calif., E2022

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