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Senate

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

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

O Mighty God, the giver of grace and mercy, we bless Your holy Name.

Today, empower our lawmakers to walk in Your will and follow Your leading. Give them clean hearts and renew a right spirit within them. Teach them to serve You as You deserve, to give and not to count the cost, to strive and not to heed the wounds, to toil and not to seek for rest, to labor and not to ask for any reward except that of knowing they are doing Your will.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

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

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Following leader remarks, the Senate will be in a period of morning business for 1 hour. The majority will control the first half and the Republicans the final half. Following morning business, the Senate will resume consideration of H.R. 2354, the Energy and Water appropriations bill. We will continue to work on an agreement for the bill and notify Senators when votes are scheduled.

We have a lot of work to do in the next few days. We cannot have the Defense authorization bill eat up a lot of time after we get back from the recess we will have for Thanksgiving. So everyone should understand that we are going to move forward on the Defense authorization bill. It may not be tomorrow, it may not be the next day, but we have to do it before Thanksgiving. So I hope everyone understands. I know everyone wants to get home for Thanksgiving—we all do—but we have an obligation here.

In the Christmas period; that is, after Thanksgiving, we will have just a few weeks to get everything done. As important as the Defense authorization bill is, we can't eat days and days of that time in December. We have to finish that bill now. I know that won't be easy, so I would hope that people understand, if they have an idea that they are going to stop us from moving forward on the bill, on the motion to proceed, we are going to get that done and more. So that might mean we have to work past Thursday, past Friday, and if we have procedural obstacles on that very important legislation, it will mean we will have to work the weekend and into next week. So I want to make sure everyone understands that. So all Senators who are watching and listening, and especially the staff, just make sure you have alternate reservations to leave Washington.

LIFESAVING REGULATION

Mr. REID. Democrats and Republicans don't agree on much these days, although I had a meeting with some veterans groups earlier today, and I indicated to them that maybe they are going to bring us some good luck because we were able to pass part of the President's jobs bill—the veterans employment—with an overwhelming majority. That was really good news, and I hope that is the beginning of some good days ahead of us.

We do agree Congress must do something about the unemployment crisis we face. We have 14 million Americans out of work. There is no more pressing issue facing Congress or the country than jobs. Our plan, the Democrats' plan to address this problem, has been very straightforward. We have advocated for policies that will create jobs by investing in what makes this country great—our infrastructure, our education system, and our innovative workforce. Despite Republican obstructionism, we have continued to fight for middle-class jobs, bringing to the Senate floor bill after bill designed to bring Americans back to work.

I met yesterday with the Business Roundtable, a stellar organization with the finest business executives we have in America today. I told them that I know they are all doing well financially, and I went over what we had proposed a week or so ago; that is, we need to do something about infrastructure that is deteriorating.

I said we were able to put forward a piece of legislation that said: Let's

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

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spend $50 billion creating hundreds of thousands of jobs. We would not punish millionaires and billionaires. What we would do is, people fortunate enough to make $1 million in a given year, we would say that on any money they make over $1 million, they would have to pay a surtax of seven-tenths of 1 percent. I said: Does anybody out here think that is an onerous suggestion? Nobody raised their hand because it isn't. But on a straight party-line vote, it failed.

So we are going to continue to fight for middle-class jobs, bringing to the Senate floor bill after bill, as we have done, and we will bring some more in the future to put Americans back to work.

The Republicans have taken a different approach. I talked about it yesterday. They have advocated a wholesale repeal of so-called job-killing regulations. We know and we were able to show yesterday that of the jobs that have been lost, about three-tenths of 1 percent have been because of regulations. Does that mean all regulations are perfect? Of course not. That is why the Obama administration—as did the Bush administration, as did the Clinton administration—had a review of what regulations are onerous and we should change or get rid of. So we understand that. For Republicans, that is their job-creating mantra: Get rid of regulations. It doesn't work. They say that rolling back everything from limits on air pollution to rules that keep our worksites safe will create jobs and revive our economy. The problem is it is just not true.

Business leaders and economists of every political stripe agree that this GOP mantra is a falsehood. A respected academic adviser to two Republican Presidents called this myth spread by Republicans to cover up their woeful lack of meaningful work plans to create jobs ''nonsense'' and ''made up.'' I talked about him in some detail yesterday.

The evidence, in fact, shows that government safeguards have little impact, if any, on employment. The Bureau of Labor Statistics study found that last year only three-tenths of 1 percent of layoffs were caused by regulation. That is according to executives who ordered those layoffs. Nearly 85 times as many jobs were lost last year because of the slow economy.

But rather than work with us to turn this weak economy around, creating hundreds of thousands, if not millions of jobs, Republicans spent 11 months fighting Democratic policies that would have created these jobs. Meanwhile, they spent these past 11 months focused on killing regulations that make America safer, healthier, more efficient, and more productive.

For example, Republicans want to halt updates to the Clean Air Act. Since its passage 40 years ago during the Presidency of Richard Nixon—do you know why President Nixon and the Congress got kind of interested in that? In Ohio, the Cuyahoga River kept catching fire. The river started burning, they would put it out, and it would start burning again. So President Nixon and others felt that maybe we should do something about the Clean Water Act. We also, during that same period of time, did something about the Clean Air Act, and the Clean Air Act alone has reduced emission of key pollutants by 70 percent, while the economy has grown by some 200 percent during that same period of time. Long-planned updates to the law would reduce emissions of mercury, acid gases, and other life-threatening pollutants into the air, saving lives.

Last year alone, the Clean Air Act saved the lives of more than 160,000 Americans, and it prevented 86,000 emergency room visits and 13 million lost workdays. This is money in the bank for all of us when we can save lives, prevent emergency room visits, and keep people working and not being sick. The Clean Air Act has prevented hundreds of thousands of cases of heart disease, chronic bronchitis, and asthma.

It is wonderful that we have helped clean the air, but we also have medicines that help. I can remember as a little boy going out to visit a woman who lived on the outskirts of Searchlight—that is really a couple miles out of the main part of Searchlight—and I have never forgotten this. She had asthma, and my mom went out to see if there was anything she could do to help. There wasn't a thing she could do to help. This woman was in such a state of distress. She said, ''I can't breathe,'' and she was making horrible noises that I have never forgotten. So things are better. One reason they are better is because of medicines but also cleaner air.

The Clean Air Act has prevented hundreds of thousands of cases of heart disease, as I have indicated, chronic bronchitis, and asthma, and last year alone it saved American companies and consumers $1.3 trillion by reducing medical costs and increasing productivity.

Of course, all these benefits come with a price tag, but for every dollar spent complying with the Clean Air Act, this Nation saves $30 in emergency room bills, lost work days, and environmental cleanup. And repealing the law of the Clean Air Act wouldn't make the costs go away. Instead, it would shift them from corporations to consumers. Complying with environmental safeguards is one of the costs of doing business in the United States. It is a part of being a good corporate citizen. That is why two-thirds of voters say that scientists at the Environmental Protection Agency, not politicians in Congress, should set pollution standards. Seventy-one percent of voters, including the majority of Republicans, support the stronger environmental protections that are attacked by congressional Republicans. Eighty percent of voters believe those safeguards will improve public health and air quality.

There is plenty of evidence that smart, fair regulations save lives and communities lots of money and also consumers lots of money. There is more evidence that stronger watchdogs could have prevented disasters such as the 2008 financial crisis or the West Virginia mining accident that killed 21 people last year. Simply repeating the fiction that regulations kill jobs doesn't make it a fact. But even if there is one ounce of truth in the fable, there are many ways to steer the economy out of the ditch and create jobs that don't risk American lives.

RECOGNITION OF THE MINORITY LEADER

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

EPA REGULATORY RELIEF ACT

Mr. MCCONNELL. Today, I would like to begin once again by focusing on a piece of jobs legislation that Republicans in the House have recently passed with significant bipartisan support and by calling on the Democratic majority in the Senate to follow the lead of the House Republicans by taking up this legislation and passing it right here in the Senate.

The legislation I would like to highlight is H.R. 2250, the EPA Regulatory Relief Act. This legislation passed the House overwhelmingly last month. Forty-one Democrats supported it over in the House. Senator COLLINS has introduced a similar bill here in the Senate. It has strong bipartisan support.

Most Americans are probably aware by now that the Obama administration is crushing businesses across the country with a mountain of redtape and new regulations that it imposes outside of the legislative process. When asked about their challenges, small business owners now rank these regulations at the very top of the challenges they face.

One of the chief offenders is the EPA, and one of the most potentially damaging regulations this redtape factory has proposed relates to the boilers that are used by just about every manufacturer or institution in this country that doesn't get the power it needs from standard utilities.

Right now, EPA wants to force anybody with an industrial-sized boiler to change their facilities to comply with a burdensome new regulation that, according to one study, could put 230,000 jobs at risk.

So here is what Senator COLLINS has in mind that the EPA Regulatory Relief Act would do about all of this problem. Here is what it would do to protect jobs right here in America:

First, Senator COLLINS' bill would provide more time for EPA to issue regulations for industrial, commercial, and institutional boilers, process heaters, and incinerators. This is the time EPA itself has indicated it needs in

order to collect more data and analysis and to finalize the rules, so it gives EPA what it says it needs. More specifically, it would provide EPA 15 months from the date of the bill's enactment to repropose and finalize the new boiler rules, which I want to emphasize the EPA has actually already requested at this time. This bill would also extend the compliance deadlines from 3 to 5 years, which would allow companies adequate time to comply with the new standards and install the required equipment.

Crucially, this bill would also direct the EPA to ensure that the new rules are achievable and realistic. We all recognize the vital role the EPA plays in keeping the air we breathe and the water we drink clean and safe. We also need to get some commonsense limits on its actions, and that means putting in place laws that protect Americans against the kind of regulatory overreach that too many unelected bureaucrats in Washington seem to live for these days, especially in these challenging economic times.

As I said, this bill has a lot of support not only from Republicans but from Democrats here in the Senate. In fact, 12 of the bill's cosponsors are Democrats. Like me, they understand and appreciate how these new rules would adversely affect jobs and manufacturing in this country, and they want to work with us to do something about it. So this is the perfect example of an issue on which the two parties actually agree. The perfect example.

Senator RON WYDEN supports this bill because it directs the EPA to go back to the drawing board and craft boiler rules that are more in line with what is realistic from mills and factories, he said. Senator WYDEN argues that the EPA itself has admitted its boiler rules need to be fixed.

Here is how Senator LANDRIEU put it over the summer:

> With manufacturing being one of our bright spots in our economic recovery, we cannot afford to jeopardize the industry's health and the high-paying jobs it supplies to this country. This legislation will give the EPA the time extension it needs to craft a balanced approach that not only keeps our environment clean, but also our economy strong . . .

This legislation is supported by the American Forest and Paper Association, the National Association of Manufacturing, the U.S. Chamber of Commerce, the National Federation of Independent Business, the Business Roundtable, the Biomass Power Association, and around 300 other business groups. Too many jobs are at stake for the Senate not to act on this legislation that has actually already passed the House. I have previously mentioned an Ohio paper mill where 200 jobs are at stake as a result of this rule. The American Forest and Paper Association says 700,000 jobs in the paper industry alone are also at risk.

The Republican House has done its job. Now it is time for the Senate to act. Let's take up the EPA Regulatory Relief Act, pass it, and send it on down to the President for his signature.

If Democratic leaders cannot agree to take up and pass legislation the two parties actually agree on, then what will they agree to pass? Let's follow the House's lead and show the American people we can work together on this commonsense, bipartisan bill to protect jobs in American manufacturing.

TRIBUTE TO THE REVEREND GENE HUFF

Mr. MCCONNELL. Madam President, today I pay tribute to a good friend of mine, and a man who has been a good friend of the Commonwealth of Kentucky for decades. Whether as a State legislator, a pastor, an evangelist, a radio station operator, or as a dedicated and loving family man, the Rev. Gene Huff of London, KY, has been a good and faithful servant in his community for many years. He has my respect as a model Kentuckian.

Gene Huff was born October 6, 1929. Before he was 20 years old, he had heard the call to preach and began traveling Kentucky as an evangelist. His wife of nearly 60 years, Ethel, recalls the first time she laid eyes on Gene when he came to preach at her church.

''On March 13, 1949, he came to Newport, Kentucky, to preach his first revival at age 19,'' Ethel remembers.

> It was my home church. I had never seen or heard a teenager preach before, so when I first saw Gene, I wondered what he would be able to tell us. He was so young-looking to be a preacher. But I loved his broad, friendly smile and wonderful voice from the very start. And to my surprise, he really could preach!

At that first meeting Ethel was a 16-year-old church pianist. She must have been smitten with the handsome 19-year-old preacher. They dated for 3 years and were married on July 4, 1952. That same year Gene found a permanent home as a preacher when he became the first pastorate at the First Pentecostal Church in London, KY, the church that would eventually become his home for three decades. From 1955 to 1963, he followed some other pursuits, including serving as pastor at the Upper Colony Holiness Church and Carmichael Community Church in London, and at the Deer Park Christian Assembly of God Church in Cincinnati.

He also worked for a time as a public school teacher and a tutor. But in 1963, Gene returned to pastor at the First Pentecostal and remained in that capacity until 1989.

Many Kentuckians have also come to know Gene through his life-long experience in politics. He was first elected to the Kentucky House of Representatives in 1967. In 1971, he won a seat in the Kentucky Senate representing the 21st district and served there until 1994.

I worked with Gene in his legislative capacity over the years and can truly say the people of the 21st district could not have asked for a more dedicated, loyal, or hardworking senator. Gene was always true and faithful to his convictions in the State senate. He was the leader of efforts to oppose a lottery coming to Kentucky. Although he was ultimately unsuccessful, I know he was proud of waging that fight. He would eventually rise to serve as both the minority caucus chairman and minority floor leader and as the ranking Republican on the Appropriations and Revenue Committee for 14 years. In 2000, he was inducted into the 5th District Lincoln Club Hall of Fame.

Gene continued to serve as a pastor while serving his constituents in Frankfort. In 1974, inspired by his son, Marty, who had seen a presentation on a bus ministry, Gene found four schoolbuses for his church to buy and fix up, and he began running these buses across the region to bring people in to hear him preach at First Pentecostal. They named the four buses Matthew, Mark, Luke, and John. Before the bus service began, Gene's Sunday school had an average attendance of around 150. Within three months over 400 people were attending Gene's services.

Gene traveled even farther than the back roads of Kentucky when it came to spreading the word. In the 1980s, while serving as a State senator, Gene successfully got a resolution passed to assist persecuted Christians in Romania. Shortly afterwards, Gene traveled to Romania to see the situation there himself firsthand. What he saw so moved him that he began an entirely new phase of foreign missions in ministry. Gene would go on to make 28 trips to Romania, and he and Ethel traveled to 33 countries. In 1990 they formed the Good News Outreach missions organization to support their work in foreign missions. Here's how Ethel puts the effect these trips have had on her and Gene: ''Involvement and support of foreign missions has been a beautiful addition to the tapestry of our lives.''

As if all this service to both congregants and constituents were not enough, Gene succeeded in many other pursuits as well. He has installed air conditioners and furnaces, repaired washing machines, rebuilt cars, worked in home construction, worked at a car dealership and an ice cream shop, and hauled hay, coal, lumber, and watermelons. He once worked as a travel agent for KLM Airlines. In the 1970s he became part owner of an airplane and earned his pilot's license. On the day he resigned from the State senate in 1994, Gene and Ethel raised a 50,000-watt tower for WYGE, a Christian radio station which he continued to operate until 2007. I remember doing two interviews with Gene on WYGE.

Gene played a key role in seeing the brand-new, state-of-the-art St. Joseph-London Hospital completed, an acute-care hospital that serves a population of over 50,000 in four counties. When construction for the new facility came

to a crossroads a few year ago, it was Gene who brought the community together on a Thanksgiving weekend to lobby for the hospital's completion. I am sure he is proud to see the new hospital and its award-winning cardiovascular services up and running.

Gene Huff is not only a well-rounded man but a well-educated one as well. He enrolled in Sue Bennett Junior College in London in the fall of 1952, beginning a pursuit of higher education that would continue over a period of 25 years. He finished Sue Bennett in 1954 and earned a bachelor's degree from Union College in Barbourville, KY, in 1960. His master's degree was earned at Morehead State University in Morehead, KY, in 1976. He also earned an educational specialist degree there in 1977. He pursued further graduate work at the University of Kentucky. In 1999 Gene was awarded an honorary doctor of public education degree from Union College.

Gene turned 82 years old a month ago, and I certainly hope he took the happy occasion of his birthday to look back proudly at a life filled with achievement. The number of lives he has touched, whether through his preaching, his public service or his warm and steady presence among family and friends cannot be counted.

I had the pleasure of talking to Gene on the phone a few days ago and we got to reminisce about old times. I wanted him to know I was thinking of him and that I am proud of him for his decades of service to his community, to the Commonwealth of Kentucky, and to God.

It is an honor to come to Washington to represent Kentuckians such as the Rev. Gene Huff. I am sure no one could be prouder of Gene than his wife, Ethel; their five children, Arlene, Martin, Marsha, Anna Marie, and Jeanie; their 19 grandchildren, their 7 great-grandchildren, and many other beloved family members and friends.

I would ask my Senate colleagues to join me in recognizing Rev. Gene Huff for his lifetime of accomplishment. Kentucky is honored to call him one of our own, and I am honored to call him my friend.

I yield the floor.

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 for up to 1 hour, with Senators permitted to speak therein for 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 second half.

The Senator from Rhode Island.

ORDER OF PROCEDURE

Mr. WHITEHOUSE. Madam President, I wish to ask unanimous consent that the Senator from Montana, Mr. TESTER, the Senator from Louisiana, Ms. LANDRIEU, and the Senator from Connecticut, Mr. BLUMENTHAL, and I have unanimous consent to engage during majority morning business time in a colloquy.

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

PELL GRANTS

Mr. WHITEHOUSE. We have just passed through a very significant landmark in this country which is that student debt, the burden of college loan debt Americans have to carry, broke through $1 trillion. That is $1 trillion in debt. And because of the laws that have been set up to favor the banks, in particular in this Congress, the debt is not dischargeable in bankruptcy. That is a $1 trillion burden on folks who required loans to get through college that they can never shake off that is going to stay with them for their lives, for as long as it takes to pay it down even when things don't work out for them. So it is a very significant milestone when it hits $1 trillion of this particular kind of very onerous debt.

One of the responses to it is the Pell grant.

The Pell grant helps people who can't afford college have the chance to go to college. It helps them pay their way through college, and it does so without leaving that burden of debt behind. It is named after Senator Claiborne Pell of Rhode Island, a Senator and a man who was very important to me in my life and in my development as a political figure in Rhode Island. He was a very dear friend and went almost inexplicably out of his way for me on many different occasions. I am deeply indebted to him. But I am also extremely proud to represent Rhode Island in the Senate and to represent a State that produced Senator Claiborne Pell and, particularly as we face this massive burden of debt, to come to the floor to participate in this colloquy in support of the Pell grant.

I will turn to my colleague, Senator TESTER, in one moment. First, I wish to say how important this is to individual people who wouldn't have the chance otherwise. I was at the University of Rhode Island just a few weeks ago. I met a woman named Amber, who is 29 years old. She is not the standard ''come out of high school and go on to college'' student. She is actually a mom. She has two kids. She works full time and she goes to school full time and she is the mother of two kids. This is a very busy person and a very energetic and capable person. The only way she can make things work in her life and enable her to be a full-time mom, a full-time employee, and a full-time student is because the Pell grant that she gets bridges the gap between what she can earn, what she can borrow, what she has to pay, and gives her the chance to move into the college-educated status.

As we know from looking at this recession we are in right now, there are two economies in America. There is an economy for college-educated people—an economy in which the top unemployment rate is below 5 percent—and then there is the economy for people who have not had the benefit and the good fortune of a college education, for whom unemployment is nearly twice as high and for whom the suffering brought on by the Wall Street meltdown and the subsequent recession has been much more acute.

I will turn now to Senator TESTER. I appreciate so much that he has come to join us today to help our colleagues, I hope, come to the realization that cutting Pell grants as we face our debt and our deficit problem would be a wild mistake, a terrible mistake, would undercut the progress we are trying to make, and would be one of the worst places to go for spending cuts. Even though I admit we need to make them, the Pell grant is the wrong place to look.

I yield to my distinguished colleague, Senator TESTER.

Mr. TESTER. Madam President, I thank the Senator from Rhode Island. We appreciate his leadership on the issue of Pell grants. I very much appreciate the opportunity to address Pell grants and what they mean to not only our young people and to the folks who are being retrained to find different lines of work with the economic slowdown but also to our economy in general overall.

If we are going to go to an institution of higher learning at this point in time, it takes money. If Pell grants are reduced or potentially even taken away, as some want, it takes away that opportunity. It takes away that opportunity for upward mobility within our society, within the economy. Without education, if a person is born poor, that person is liable to stay poor. Without education, if a person wants to improve their quality of life, it becomes much more difficult.

When I meet with students, both traditional and nontraditional, around the State of Montana, the first question they ask me or one of the first questions is, What is the Federal Government doing to make college affordable? Because if one is unfortunate enough to be born without economic means, these Pell grants are critically important to be able to allow people—students, young people, folks who need to be retrained—to go to college and get that training, thereby adding to our economy and enabling them to get a better job and potentially become business owners and down the line.

Why is this important? It is because Pell grants have been under attack in the House.

H.R. 1 would cut $5.7 billion from Pell grants and 1.7 million students would have been denied access to education because of that cut. Some people in the House even call Pell grants 21st century welfare. It couldn't be further from the truth.

Then, after H.R. 1 was put down in the Senate in a bipartisan way, the House passed the Labor-HHS bill which cut $8 billion from Pell grants, thereby eliminating Pell grants for folks who are going to school less than half time. That eliminates a good portion of the nontraditional students because a lot of these folks are trying to make a living, trying to support a family, and trying to improve themselves in the economic strata of this world. Some of them have been laid off.

There is an individual, for example, in western Montana who had a tile business, with 27 years' experience in the tile and stone business. He had a family, and because of the economic downturn and because of, quite frankly, physical limitations in a business that is very difficult, he had to find a different line of work. Work had dried up and, quite frankly, the back was getting weak. So he was able to get a Pell grant, go back to school on a part-time basis, and study for a job where there was a job once he got out in the culinary arts—something he had wanted to do and something that would allow him to support his family. Without those Pell grants, he would have possibly been on workers' comp or potentially making far less money.

So when the Pell grants come forward in the House and they do things such as cut Pell grants, either their amount or eliminate the numbers available to our students across this country, traditional and otherwise, we are basically doing bad things to the economy, cutting the economy down because, quite honestly, the affordability issue is critically important as we move forward and people go to get retrained and move themselves up in the economic strata.

The other issue, finally, is the importance to Indian Country. With the tribal colleges, the Pell grants are used to a great extent there. Why is this important? In Montana, in Indian Country, the unemployment rate is very high—70 percent and higher—on many of the reservations around Montana. Quite honestly, if we are going to dig into the unemployment rate across this country, whether it is Indian reservations or wherever, education is a key component to making that happen. Pell grants are a key component to giving access to our students, both traditional and nontraditional.

As we move forward, we need to understand that for men and women alike, young people and middle-aged, who need the training to be able to get good jobs, Pell grants are a critical component of that.

With that, I kick it back to the Senator from Rhode Island.

Mr. WHITEHOUSE. I thank the Senator. As my colleague knows, we have a very distinguished colleague from the Senate who has now gone on to be the Secretary of the Interior of the United States, Ken Salazar. I see former attorney general and now Senator BLUMENTHAL from Connecticut has joined us for this colloquy, and he knows Ken Salazar was the attorney general of Colorado, an attorney general with both of us. Ken grew up on a farm in Colorado that, until his generation, didn't have running water and didn't have electricity. His generation was the first generation to go to college. When I got here, he was a Senator and his brother was a Congressman. It never would have happened if it hadn't been for the Pell grant. It was the Pell grant that allowed those boys, from a faraway corner of Colorado, who were eighth-generation Americans, to be the first generation that got their foothold in college and were able to propel themselves from that to remarkable leadership of our country. It shows what ordinary Americans are capable of when the Pell grant gives them that launching pad.

I appreciate that the Senator from Montana brought up the effects on Indian Country as well.

I know Senator BLUMENTHAL wishes to say a few words.

Mr. BLUMENTHAL. Madam President, I wish to thank my colleague from Rhode Island for organizing this colloquy, and the Senator from Montana has been a tireless advocate of opportunity for all the people of the United States and particularly his State. So I am honored to follow my colleague from Montana in this discussion.

Claiborne Pell, whose name is on the grant, is an example of how an individual can make a difference in this institution. His contributions have left a legacy not only for himself and the State of Rhode Island but also for the entire country in advancing the cause of higher education and putting it on the map in the American understanding of how critically important it is and how it is evermore important today for the United States to compete in the global economy. It is important for individuals to compete within the United States. It is important for middle-class people to continue to have viable, healthy families. In fact, the Pell grant is important to the economic health and even the viability of our middle class. The failure to fund it and support it will endanger educational opportunities for middle-class Americans across the country.

What we know about the modern economy is that more and more, a high school education alone means less and less. High school is vitally important but, economically, it is not enough. That is reflected in an overwhelming—almost an avalanche—of statistics and studies. The most recent issue last Friday by Georgetown University Center on Education shows clearly and dramatically that Americans who have only a high school education are less likely to have a good income and a good economic status.

Workers who had a high school diploma alone, in 1973, were qualified for 72 percent of jobs—much more than two-thirds. Today, people who have only a high school diploma are qualified for only 44 percent of the jobs available. In 2018, that number will drop to 37 percent. That set of numbers is more than just a statistic, it is human lives and families and income—dollars in people's pockets they can spend in our economy. It affects particularly women who more and more shoulder the largest burden of changes in our educational requirements and have been hit the hardest in the unemployment crisis we face. In our advancing economy, employers need highly skilled individuals. More and more, what I hear as I go around the State of Connecticut is there are jobs available, but there aren't people with the skills to fill them. When we talk about a Pell grant and college degrees, we are not talking about only a 4-year diploma, we are talking about an associate's degree that enables somebody to run a computer on an assembly line or do welding or the other kinds of practical skills that enable people to fill those jobs, enable America to compete, and enable employers to compete successfully.

In 2018, only one-third of the jobs available to noncollege-educated workers will provide a living wage. That is a statistic that ought to be a wake-up call to the Congress and to Washington. I think it is reflected not just in the overall picture but in the individual human stories that both my colleagues expressed in their remarks and that I hear from people who not only have benefitted from Pell grants but who hope to benefit from them, including educators who believe they are vital to the future of American education.

I wish to cite a few this morning and quote first from a letter I received from Norma Esquivel, who lives in Greenwich, CT, and who said to me in her letter:

> I recently received news regarding the possible elimination of the Pell Grant. As a recipient of the Pell Grant, the mere thought of losing such an essential feature of my financial aid package is devastating. . . . I was brought up in a Latino household where the lack of money was often a catalyst for stress and hopelessness. Neither of my parents could afford to attend college. My father worked as a janitor and is currently retired due to his debilitating Parkinson's disease while my mother is a housewife.

She goes on to talk about how her parents gave her the hope and aspiration to attend college and how she is now doing it at Sarah Lawrence because of the Pell grant.

Gena Glickman, who is the president of Manchester Community College, writes to me about the students whom she meets and she sees every day who benefit from these programs. She says:

> Pell grants not only help low-income and first-generation students to access postsecondary education and training, they enable them to complete degrees and certificates.

Senator WHITEHOUSE has given us this statistic that is astonishing and alarming: $1 trillion of debt that our students now bear—larger than the amount Americans owe on their credit cards, I believe, and threatening not only their futures but all of our economic futures and the viability of our economy.

I would like to ask my colleague from Rhode Island whether and how much funding is projected to be necessary for the continued viability of this program and for America and Americans to compete in the global economy?

Mr. WHITEHOUSE. I say to Senator BLUMENTHAL, one of the things that has taken place is that the value to the individual student of the Pell grant has actually declined quite a lot over the years since it was first initiated.

When the first Pell grants came out, they paid for nearly three-quarters of the typical 4-year public college tuition; 72 percent of that tuition. Now they are down to 32 percent; less than one-third. So there is a lot of room to increase what we can spend on Pell grants. I think it is pretty clear from what the Senator has said and from what Senator TESTER has said that once someone is college educated, they step into a different economy with a top unemployment rate through this awful recession of below 5 percent, they step into a whole new set of opportunities, and they step into opportunities that have a higher income potential for them, all of which redounds back to the benefit of our country in higher revenues, in a stronger economy, and in more innovation and economic development.

So we are going in the wrong direction is the way I would respond, and it is time, instead of doing what the Republicans in the House have suggested, which is to go even further in the wrong direction, even potentially eliminating this grant, calling it welfare, for Pete's sake—remember Amber. This is a woman with two children, working full time and going to school and what enables her to tie that together—the last piece, the keystone in the arch—is the Pell grant. You call that welfare? This is a welfare recipient? I do not think so. But that is the kind of attack these things are under, and it is not just institutions like Connecticut is famous for and Rhode Island is famous for—super high-end institutions that are internationally renowned—but it is also basic community colleges and technical colleges, places where people can get a solid career.

I know Senator TESTER wants to say a few words about that and then Senator LANDRIEU.

Mr. TESTER. Yes, I do. I thank Senator WHITEHOUSE.

We have talked about the unemployment rate and job opportunities for people who get higher education. I was talking to a welding shop in Fort Benton, MT. Fort Benton is in the north central part of the State. The oil play in the east has been having some impacts even in that area of the State. This welding shop that is in Fort Benton—I talked to the fellow, and he had some issues he wanted to talk to me about.

I said: What is one of the biggest things you have to deal with right now?

He said: Right now, I could hire a half a dozen welders. I could hire them tomorrow. The work is out there for them to do.

When we talk about getting this economy going again and getting things moving, it is so critically important we not only talk about the 4-year colleges that develop our entrepreneurs and businesspeople but we also talk about the community colleges, the technical colleges, the tribal colleges that do a great job developing a well-trained workforce.

With that, I will kick it over to Senator LANDRIEU.

Ms. LANDRIEU. Madam President, I am so happy to join my colleagues who have done a beautiful job this morning expressing the importance of Pell grants to not only the individuals and their families but to the economic vitality of our Nation. I thank Senator WHITEHOUSE, who has taken up this as a cause. We need a champion for Pell grants.

I am here to help him and to help Senator TESTER, who stepped forward to be a leader as well, to say to them that when I go back to my State and check—the Senator from Connecticut knows this—when I go back to my State, what I hear is: Senator, without Pell grants, I could not make this happen. Senator, without Pell grants, my parents could not afford it.

It is not the whole part of tuition, but I think, as Senator WHITEHOUSE has said, it is the keystone, it is the cornerstone, it is the centerpiece, it is the foundation of what our students—and some of our students who are parents who are raising two and three children, holding down one or two jobs—we cannot pull that out from underneath them, I say to the Senator. We just cannot do it.

Secondly, I would say I know we have to find a way to balance our budget. I just left the Go Big Conference. I am one of the ones who is standing in the middle, hoping we can come up with not a $1.2 trillion solution but a $4 trillion solution. This is tough. This is hard. But one of the things that should not be on the chopping block is Pell grants, not because it is a government program—we have to cut back government programs—this is the seed corn. This is the seed corn, I say to the Senator, for our future vitality as a nation. We need to be sending more kids to college, not less. We need to be producing more engineers, not less; more mathematicians. This is our basic grant program.

So I just wanted to come to the floor and join you all. I say to the Senator, I want to personally give you letters from people—children and adults—from my State. I have a letter from a student from Tulane University, a letter from a freshman named Araisa at Loyola University, and a letter from a young man named David, who attends Louisiana Tech University. These letters speak for themselves. I will put them in the RECORD, but, I say to the Senator, I wish to also actually give them to you because I want you to be able to hear from students from Louisiana as well as Rhode Island, and I tell the Senator that I want to join the Senator in this movement to not throw out the seed corn while we are trimming the hedges.

Madam President, I ask unanimous consent that the letters I referred to be printed in the RECORD.

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

SENATOR LANDRIEU, I am a third-year premedical student at Tulane University with a major in Cell and Molecular Biology and minors in Spanish and Business. . . .

I am in support of the Pell Grant because I would like to continue my education at Tulane. . . . I've watched my parents struggle over the years just to enroll me into private schools to ensure that I receive a good education, and I seek to follow their honorable example. Their financial hardships have inspired me to pursue an improved lifestyle. I hope to take these obstacles and utilize them for what they're worth, applying persistence, dedication, and passion towards my ultimate goal of attaining a medical degree.

I love being challenged by my classes and having the opportunity to represent my hometown of New Orleans in an extraordinary way, and Tulane allows for both of these things. I know that with the help of the Pell Grant, I can continue to study at Tulane University and someday be of great service to my family and community. . . .

Sincerely,

CONCERNED COLLEGE STUDENT.

DEAR SENATOR LANDRIEU, My name is Araisa and I am a freshman at Loyola University New Orleans. I am majoring in accounting and music industry studies. . . . The Pell grant makes it possible for me to go to Loyola, a university that has a much higher graduation rate than the other schools I was considering. The Pell grant also helps my family avoid the burden of loans. I'm so grateful for the opportunity.

Sincerely,

ARAISA.

DEAR SENATOR LANDRIEU, My name is David. I attend Louisiana Tech University. I major in Business-Marketing. I would like to create my own products and put them on the market. The Pell grant makes a huge difference, because without it I would not be able to afford the classes required for me to receive my degree. Without the Pell grant, my plan would not be what it is today actually, and thanks to the Pell grant, I will guarantee success out of what I was given. I'm so thankful for the Pell!

Sincerely,

DAVID.

Ms. LANDRIEU. I hope people understand there are differences in some government programs. This is a partnership between the Federal Government and our own individual citizens, a partnership with them and a partnership with the universities, saying: We

believe in you. We believe in the future of our country and this is our investment and it should not be cut.

I am sure the Senator from Connecticut hears this in Connecticut.

Mr. BLUMENTHAL. I thank the Senator. If the Senator will yield?

Ms. LANDRIEU. Yes.

Mr. BLUMENTHAL. I agree wholeheartedly with everything the Senator has just said so eloquently about the importance and the partnership of the Pell grants, and I would like to again ask a question to my colleague from Rhode Island, whom I thank, by the way, for organizing this colloquy. His leadership on this issue has been so instrumental, carrying on the great legacy and tradition of Senator Pell.

Isn't it a fact, I ask Senator WHITEHOUSE, that throughout its history, the Pell Grant Program has enjoyed strong bipartisan support; there has been nothing partisan or Republican or Democratic about advancing American higher education in this way?

Mr. WHITEHOUSE. Yes. That is a great point, I say to the Senator. One of the unfortunate aspects of the current condition we have in Washington, DC, is that a party that has long supported Pell grants—it has long enjoyed bipartisan support—has suddenly, after—what has it been, 30 years of support for the Pell grant—has suddenly walked away from it, has suddenly decided: No, we have a new agenda. Helping people who cannot otherwise afford college to have a chance to go to college, without carrying that trillion-dollar burden of debt and to be able to move up into the college-educated economy and into the opportunities and potential that creates, that is not what we are interested in any longer. We are interested in other things.

Clearly, they are interested in protecting the tax breaks for people making over $1 million. We tried to get jobs legislation through here. It was paid for with a tiny tax only on the dollars over $1 million that people earning over $1 million earn. On the first million dollars, there is no difference. The second million dollars is where it started to kick in. No, no. We stopped jobs legislation over that. But when it comes to a kid who cannot afford college, that is a program they suddenly want to take a whack at. I think it is regrettable because there is a long history of very honorable, sincere, and enthusiastic Republican support for the Pell grant. Frankly, there is nothing Democratic or Republican about an American young person having the chance to begin to climb the ladder of success. That is a common American dream. That is common to both parties. Yet now, in this strange environment we now have to inhabit in Washington, this other party has decided: No, we are walking away from that.

In the House, they tried to knock more than $1,750 out of the average grant. They would have put nearly 5,800 students in Rhode Island off the Pell grant. When we hear from people such as Amber, who would not be able to do it but for that—this group I spoke with at URI was so impressive. We had regular students who were right in line. We had the nontraditional students, such as Amber, who had their kids. We had faculty who years ago had gotten their Pell grants and now they are teaching others. They have made a career in academia as a result of that first foothold they got in higher education through the Pell grants. How one would want to cut it at that point by that much, when we have these people—it is just enough to make it possible for them. When we cut it by over $1,750 for a lot of those kids, for a lot of those working moms, it means: No, we are pulling, as the Senator said, the rug out from under them. They do not get that chance.

We all win when young Americans step forward. Everybody in America wins when young Americans reach their full potential and create industries and do a great job and save lives as surgeons or nurses or EMTs and pay revenues through their taxes through their successes to support our great country.

Ms. LANDRIEU. I would say this program is one of the most effective antiwelfare programs in the country that we fund in Washington. A student from Xavier University wrote in. This student is a first-year student majoring in biology, in premed. This is an African-American Catholic University—the only one in the country and it produces more premed students and more doctors than almost the largest.

Madam President, I know we have just 1 minute. I ask unanimous consent for 1 more minute.

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

Ms. LANDRIEU. Madam President is the product of a single-family home and was the only individual employed in her household. So as she is going to school, she is also employed, supporting the whole household, basically keeping them off other government programs that might not be as effective.

The Senator's, leadership is to be commended. I thank him for it.

I am going to submit more of these specific stories from specific students and families for the RECORD so people understand this is not politics. This is just trying to do what is smart for our country and to do what is right for these young people who are trying so hard.

Madam President, I ask unanimous consent that this material be printed in the RECORD.

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

ADDITIONAL STORIES FROM LOUISIANA STUDENTS

Student A from Xavier University is a sophomore, majoring in chemistry/pre-pharmacy. During the last two years of high school, she became homeless. She relied on friends and grandparents until she found an apartment during the end of her senior year of high school. Then she worked two jobs to keep a roof over her head. As a student without parental assistance or scholarship funding, she receives $5,500 per year. She would be unable to remain in college without Pell Grant assistance.

Student B from Xavier University is a first-year student majoring in biology/premed with the goal of becoming a specialized surgeon. She is the product of a single-parent home, and was the only individual employed in her household before enrolling at Xavier. She has paid the balance of her tuition and expenses but still owes Xavier $3,000. This amount must be paid before she can take her final exams. If she loses her Pell Grant, she would owe an additional $5,500. She is the first person in her family to attend a four-year college. Receiving the Pell Grant helped make that possible.

Student C from Loyola University at New Orleans is a first-year visual arts student. He had a 3.0 GPA at the midterm of his first semester. He is a work-study student in graphic arts and has to spend a lot of his earned money on art supplies. He receives the full Pell Grant, $5,550 per year. Without these funds, his mom would not be able to afford to send him to Loyola, or likely to any 4-year university. His mom is his primary next of kin—she is not employed and currently lives in a shelter.

Student D from Loyola University at New Orleans is a sophomore pursuing biochemistry. She is from Mississippi and wants to be a doctor or biomedical engineer. She has a work study job on campus. She receives the full Pell Grant, $5,550 per year, and could not afford to be there otherwise.

Ms. LANDRIEU. I thank the Senator.

Mr. WHITEHOUSE. Madam President, I will yield the floor with appreciation to my colleagues, Senator LANDRIEU, Senator TESTER, and Senator BLUMENTHAL, for coming together to urge our colleagues to support the Pell grant.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, is it time to begin the Republican time?

The ACTING PRESIDENT pro tempore. Yes.

Mr. ALEXANDER. Madam President, will you let me know when I have used 4½ minutes?

The ACTING PRESIDENT pro tempore. Yes.

Mr. ALEXANDER. Thank you, Madam President.

BOILER MACT RULE

Mr. ALEXANDER. Madam President, last week during the debate on clean air, in which I opposed overturning a rule that allows dirty air from other States to blow into Tennessee, costing us jobs, and hurting our health, I said: Why should we be picking on a good rule when the Environmental Protection Agency is a happy hunting ground of unreasonable regulations.

I just wish to take a moment to talk about perhaps the foremost of those unreasonable regulations, which we call the boiler MACT rule. This is a regulation that will force thousands of industrial boilers around America to

install the maximum available control technology on their boilers. This is important in order to clean the air of such pollutants as mercury.

That is a good idea. What is a bad idea is EPA only gives 3 years for companies to install this technology, a time frame that is completely unrealistic. This is not like a lot of the other clean air laws and rules that have been around for years; this is an unexpected new rule on thousands of industrial boilers which are essential to our manufacturing jobs in America.

First, there is not enough time to comply with the rule, and second, EPA used a flawed methodology in determining what fuels could be used. As a result, little businesses and big businesses all over America are going to be forced to spend hundreds of millions of dollars trying to comply with this rule instead of spending that money on creating jobs.

That is just not one Republican Senator saying this. We have 12 Democratic Senators and a number of Republican Senators who have introduced legislation. Senator COLLINS is the leader of this effort. I am a part of it. So is Senator WYDEN, Senator PRYOR, and Senator LANDRIEU. What we are saying is, let's give the EPA enough time to fix the rule. Fifteen months is what EPA has asked for. Let's give the EPA additional authority to use the correct methodology so they can write a rule that makes some sense and does not act as though it is delivered from Mars or Venus or some other planet, and then let's give the industries enough time to comply with the rules, instead of 3 years, which is what the rule suggests, we will give them 5 years.

Let me try to give some sense of the impact of this unworkable rule. Its estimates that this rule will result in a loss of 340,000 jobs nationwide. We just passed, in a bipartisan way, three trade agreements which the President said would create 250,000 jobs. It took us 3 years to do that. It was something Republicans and Democrats agreed on. We thought that was a big step forward. Yet here we are allowing this agency to go forward with an absolutely unworkable rule that will cost 340,000 jobs. In my State of Tennessee, the cost to businesses is $530 million.

I have talked to owners of small businesses who are facing a $1 million cost to try to implement this unworkable rule on their boilers. They have told me they will close their plants. They cannot possibly afford it comply with this rule in this short of a time period.

I have talked to large industries that are affected. Eastman Chemicals is one, they've been in Tennessee forever. It is as an important part of our State as the Great Smoky Mountains are. Thousands of Tennesseans work there. This is what they say: They are going to spend more than $100 million over and above the work they have already planned in order to bring five Eastman boilers into compliance with the EPA regulations.

This is a company with $7 billion in revenue. They are going to survive. But some jobs will not. Instead of creating jobs with that money; they will just be trying to comply with an unworkable government regulation. The majority leader said on the floor: Regulations don't cost jobs. Here is a prime example that shows unworkable regulations do cost jobs. And 12 Democratic Senators and at least as many Republican Senators agree on that. We have a bipartisan way to fix this rule. The House, in an overwhelming bipartisan vote, agreed with us by passing similar legislation.

I want to call this Collins-Alexander-Wyden-Pryor-Landrieu legislation to the attention of the public, to the attention of the Senate, and say, there are some regulations that are before us that need to be changed. They are costing jobs. This is not Republican rhetoric or Democratic excuses. It is Republicans and Democrats saying to the EPA: We want to give you the authority to write a good rule. We want you to fix the rule. We want a clean air standard. We do not want to change the end result of the rule, but we want to give you enough time to write the rule. We want you to be able to use the correct method in writing this rule so companies can comply. And we want to give companies enough time to install these technologies so they can make reductions in these harmful pollutants.

The ACTING PRESIDENT pro tempore. The Senator has used 4½ minutes.

Mr. ALEXANDER. This is a rare piece of legislation, something we agree on across the aisle, that could immediately save 340,000 jobs, that keeps the clean air rule the EPA has proposed, but simply gives them time to write it properly, the authority to write it properly, and businesses the opportunity to comply with it within a reasonable period of time.

I hope we will adopt it.

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

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

The bill clerk proceeded to call the roll.

Mr. RUBIO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded, and Senator COONS and I be allowed to engage in a colloquy for up to 15 minutes.

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

AGREE ACT

Mr. RUBIO. Madam President, we are going to start today by talking about job creation in America. I wish to turn it over to Senator COONS to begin this conversation about a very important piece of legislation we filed jointly yesterday.

Mr. COONS. I thank the Senator.

Senator RUBIO and I have come to floor today to talk about our shared experiences. In my home State of Delaware, over the 1 year I have been a Senator—and over the years before that, I served in county government—I have heard from hundreds, even thousands, of families and individuals looking for work, deeply hurt and challenged by the ongoing slow economic recovery. Folks have come to us asking for opportunities for assistance, for promise and hope.

In reality, I think what is causing some real concern in this country, in my State and most likely in yours, Madam President, and most likely in Senator RUBIO's as well, is a broadly shared concern that we here in the Capitol, we in Congress, are not capable of getting past the partisan politics and making real progress in tackling the job-creating challenges before us.

Let me, if I could, quote from a couple of letters I have received from Delawareans in the last few months. Lawrence from Milford wrote my office: Congress needs to stop the political arguing and take positive action to make America and our economy strong again.

Janet from Wilmington wrote: I am the owner of a very small business. I have been in business 29 years and I have never seen it as tough as it is today.

Joseph in Smyrna summed it all up in a letter he wrote: Our economy needs jobs now.

Delaware is a great place to grow a business, to raise a family, to achieve success. But we have the toughest economy we have seen in generations. The folks we represent expect us to act, and they expect us to find ways to work together and to get past the partisan divide that has made it so difficult for us to make progress.

I ask the Senator what sorts of things has he heard from his constituents in Florida, and how has that motivated the Senator to act?

Mr. RUBIO. Let me point out a couple of things before we begin; that is there are a lot of issues in this process we are not going to agree on. There is an ideological divide about a lot of major issues—the role of government, how do we get the economy growing again, and what government can do about it. The people of America recognize that. They recognize that issues of that magnitude ultimately are solved at the ballot box. You elect people. People run for office on their competing visions of government's role, and you decide those elections. We are going to have one in November of 2012.

But what do we do over the next 12 months? Do we stand around and do nothing and continue to bring up pieces of legislation from both sides of the aisle that we know are going to fail, just to make political points, or do we actually begin to act? There are a lot of reasons why I think we need to act.

I want to share with you an e-mail I received from Stephanie, who lives in Vero Beach. It breaks your heart. I

think it is very typical of the ones Senator COONS probably has gotten, and I bet you all of the other Members of this institution have gotten.

She writes: I am not sure who to turn to with this question. I am a true Floridian. I was born and raised in Florida. As you know, the unemployment rate is horrible and I had to file for unemployment benefits for the first time ever. And I was just informed that I exhausted my benefits. Where do I turn for help? There are no jobs available. I have searched for a job daily and get excuses such as: You don't have enough experience, or you are overqualified, or I am suggested to go back to school. How am I going to go back to school if I have no money to pay for school or have no job and no money to pay my bills.

It goes on to outline other problems. But at the end it says: Many people like myself have nowhere to turn. Hopefully you can help me or at least suggest what I can do. Thank you for your time.

There is the voice of real desperation, of real people in the real world who want to work, have always worked, and cannot find a job. This is the No. 1 issue in America. There are a lot of issues floating around here and they are important issues. But this is the No. 1 issue in America of everyday, hard-working people who cannot find a job.

Can government create jobs for them? In government. But, by and large, there are things government can do to help create an environment for job creation. So what we have done is we have sat down and we have analyzed what things we have agreed on. There are things that are the President's plan, that are also in the Republicans' plan that the House has passed, that our colleagues have filed. What we came up with is this piece of legislation that Senator COONS is going to describe in a moment.

It is literally sitting down. It is a collection of bills we have agreed on. What people want to know is, I understand you are going to have arguments about the things you disagree on, but why are you arguing about the things you agree on?

Maybe this is a good segue for Senator COONS to start describing some of the measures that are in this bill, the things we agree on, the things we can act on and do right now to help people such as Stephanie and people in your home State and people in every one of the States in this country who are struggling to find a job and are looking for some ray of hope that this process here in Washington has an understanding about what they are going through and are actually willing to do something about.

Mr. COONS. We together yesterday announced the introduction of the AGREE Act, the American Growth Recovery Entrepreneurship and Empowerment Act, which conveniently spells out ''agree.'' The core principle, as Senator RUBIO described, was for a real Republican and a real Democrat to look through all of the different ideas that have been put out there, in the President's jobs bill, by the President's Council on Jobs and Competitiveness, by Members of the Senate and the House from both parties, that we could come to agreement on, and to put them into a bill packaged to assemble all of these ideas and to put them out and hopefully we will pick up cosponsors, hope it will pick up steam, and hope we can demonstrate to the American people, to the families Senator RUBIO and I have heard from in letters and e-mails and tweets, who have expressed real concern.

The basic big-picture proposals in this bill are, first, extending tax relief for small businesses. There are three different provisions that have already been in law but that would be extended by this bill: for capital gains exclusions for 5-year investments in qualified small businesses, for accelerated depreciation, and for increased expensing, all of which would help small businesses invest in growth; encouraging cutting-edge research and innovation by making permanent the R&D tax credit, and by adding something to it that I think has real potential, an added incentive for companies that invent something here to manufacture it here; another, commonsense regulatory relief for fast-growing businesses that seek to go public; another, an idea originally championed by Senator CASEY, providing incentives through the Tax Code for veterans to become franchise owners and entrepreneurs; reducing some immigration barriers that prevent highly skilled workers who studied here from staying here; and now the last point, protecting American businesses from intellectual property theft, strengthening our ability to prevent counterfeit goods from coming into American markets by fixing a small but real barrier to effective border protection against counterfeiting.

All of these provisions are provisions that have already enjoyed bipartisan support in other settings. We have simply assembled them together, put them into a commonsense package, and want to move them forward.

I ask Senator RUBIO, what sort of response has our action gotten so far from people in Florida, around the country, who might have contacted the Senator about this initiative?

Mr. RUBIO. It has been a very positive response, and I will tell you why, for a couple of reasons. No. 1 is, every time people open a newspaper or turn on the television, what they get from Washington is bad news. A week ago, in a speech I gave, I said it resembles professional wrestling to them. It seems as though there are people from the Republican side and Democratic side who go on TV and scream at each other about what is happening. People watch it. And they get it, that there are differences between us. But is there anything—don't we all live in the same country? Are we not seeing the same economic conditions? What are the things we can work together on? Why are we not hearing that?

Let me tell you the impact in the real world of all of that bad news. The impact is that people get scared. So imagine for a moment, you are a job creator. You have got some money to invest this year. You have to decide, do I leave it in the bank or do I take this money and use it to grow my business?

Well, the safe thing to do is to leave it in the bank. But what job creators and entrepreneurs want to do is to create new jobs. They want to grow their businesses. Who does not want to grow their business? Who does not want to add customers? Now you have to make a decision. Is now the right time to grow my business or the wrong time?

One of the things people look at is the political climate. Are the people in charge of government—in Washington especially? That is the one that gets the most attention. How are they working? Are they getting things done? Is it positive or negative things that are happening?

As much as the measures here are meaningful—and we are not claiming this solves all our economic problems, but they are meaningful—if you are a small business looking to invest next year in buying capital investment for your business, there is an incentive to extend the tax credits to help you do that. More importantly, they will be able to open the newspaper and read that Republicans and Democrats came together and passed a piece of legislation on which they agreed.

I don't think you can underestimate or, quite frankly, really measure the kind of psychological impact that could have on job creators—to actually have some optimism that the future will be better, that tomorrow may be better than today. That, as much as anything else, is critical. All of us in public service, particularly those of us who serve in this institution—the Senate is a big deal. People pay attention to what we say here, to the good stuff and the bad stuff. They pay attention to what we do here and to what we fail to do here. I think it is important for all of us to recognize that our actions have consequences and the way we speak and comport ourselves in these debates. I think we need to recognize that some of the rhetoric and noise that has been made over the last 6 months to a year has hurt job creation because it has created negativity around the economics of this country.

We have an opportunity, with the passage of legislation such as this, to send a message on the things on which we agree; we can get things done. That is the impression I have gotten from people, which is a little bit of a surprise, but it is a sense of optimism that before this year is out, we will be able to pass legislation that is meaningful and bipartisan. Is that the same reaction the Senator from Delaware has gotten?

Mr. COONS. That is right. I have gotten immediate response from Twitter, e-mail, et cetera, in my office account. I got a tweet from Jason, who wrote:

Kudos . . . for introducing jobs-creating legislation. Good to see detailed plans rather than partisan bickering.

Another tweet said this:

If AGREE is a jobs act that can get passed, I, an American that cares about the unemployed, say ''thanks.''

Mary June from Delaware City wrote:

I think it is great to see a bipartisan approach to solving the jobs crisis in the United States. Thank you for getting past party lines and coming together to provide commonsense solutions.

Maria from Middletown wrote:

I think it is time for both parties to come together as you and Senator Rubio have to bring our country back to where we have people working again and families striving to achieve the American dream. The same dream that I had when I was growing up. The dream I thought my sons and granddaughter were going to live. The business as usual in Washington has to stop, and through this bill you will both prove to your fellow Senators that if you all work together, anything is possible.

To be clear, as Senator RUBIO said, there are real differences, real things that divide the parties. There is time ahead before the election to resolve those fundamental differences in values, approach, and priorities. But, while we can, we should come together with commonsense proposals that demonstrate to the American people that we can take ideas, Republican and Democrat, House and Senate, put them in a package and pass them on to the President, because 12 months is too long to wait.

As we all wait for the outcome of the supercommittee this week, I know confidence is one of the major issues we have concerns about—confidence in the marketplace, the confidence to take risks and invest, and the confidence to grow. In my view, this bill, this initiative shows that both parties can and do have confidence in American inventors, American investors, our veterans, and America's entrepreneurs.

I am grateful for a chance to work on this. I ask the Senator, what is the next step and where do we go from here?

Mr. RUBIO. The next step is to get as many people in this Chamber and in the House to sign on to this legislation and to get this done. We are open to suggestions about how to improve it. Maybe there are some things that should be in there. Maybe there are questions involving particular measures. We are open to suggestions. We need to get the ball rolling. Our time is about to run out.

I want to recognize that one of the ways to lose credibility is to exaggerate. The differences between our parties about the role of government, about the Tax Code, and about the debt situation are real. We will debate those. To my friends on the right and left—both sides—we have real differences, and this is the place to deal with it. We are blessed to live in a republic where we can debate our points of view as to the role of government. We do agree on certain issues, and we should work on that.

Today is an open invitation to our colleagues to join us, look at this bill, analyze it, and see if there is something you would like to add or maybe that we left out that should be in there. The more the merrier. To those who think there are things that maybe should be changed or improved in this bill, we are open to that as well. We want to get this done and deliver something to the American people as soon as possible that shows that here in Washington, DC, we can agree. I believe that would be a positive first step in the right direction.

Our time has expired.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Madam President, what is the parliamentary status now?

The ACTING PRESIDENT pro tempore. The Senate is still in morning business. The Republicans control 6 minutes 25 seconds.

Mr. ALEXANDER. Madam President, we will yield back the Republican time so that we can move ahead and report the bill.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2354, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2354) making appropriations for energy and water development, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

Pending:

Reid amendment No. 957, in the nature of a substitute.

Reid amendment No. 958 (to amendment No. 957), to change the enactment date.

Reid amendment No. 959 (to amendment No. 958), of a perfecting nature.

Reid amendment No. 960 (to language proposed to be stricken by amendment No. 957), to change the enactment date.

Reid amendment No. 961 (to amendment No. 960), of a perfecting nature.

Reid motion to recommit the bill to the Committee on Appropriations, with instructions, Reid amendment No. 962, to change the enactment date.

Reid amendment No. 963 (to (the instructions) amendment No. 962), of a perfecting nature.

Reid amendment No. 964 (to amendment No. 963), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Madam President, it is my understanding that Senator BINGAMAN would like to speak on an amendment he has filed and Senator MURKOWSKI may well come down to speak on that, which is fine.

I will yield to Senator BINGAMAN to do that now.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, I appreciate the opportunity to speak briefly about an amendment Senator MURKOWSKI and I have filed.

There is a provision in the Energy and Water appropriations bill, which we are considering in the Senate, that we would like to see stricken or deleted from the bill. It is a provision in the legislation that mandates the sale of $500 million worth of oil from the Strategic Petroleum Reserve, or SPR, as it is called. The bill also ends the Royalty-in-Kind Program. That part I am not disputing at this point.

The language in the bill that we are concerned about is on page 41. It says in that part of the bill:

Notwithstanding various other provisions, the Secretary of Energy shall sell $500 million in petroleum product from the reserve not later than March 1 of 2012, and shall deposit any proceeds from such sales in the general fund of the Treasury.

In the words of the Department of Energy:

The Strategic Petroleum Reserve exists, first and foremost, as an emergency response tool the President can use should the United States be confronted with an economically threatening disruption in oil supplies.

The SPR is our Nation's insurance policy against oil supply disruptions, and keeping it well stocked and operational is important to our energy security. I believe that is a view shared by Democrats and Republicans.

The SPR became filled to its maximum capacity of roughly 727 million barrels for the first time in its history in the year 2009.

The President, in the budget he submitted—the 2012 budget—proposed a sale of oil from the SPR that would generate $500 million in revenue for the Federal Treasury. The administration explained that because the SPR was at maximum capacity, it needed to sell off some oil for operational purposes. They needed extra space in the SPR in order to move oil around within the system and to refurbish some of the underground salt caverns in which the oil is stored.

However, this past June, there was an emergency drawdown, and there was a sale of 30 million barrels of SPR oil. I understand that the emergency sale generated more than $3 billion. This indicates to me that more than six times the amount of oil that the President thought was necessary to be sold for operational reasons has now been sold.

Clearly, the President's proposal from February to create a little free space in the SPR is no longer necessary. The concern we have is that the SPR sale provision in this legislation remains part of an appropriations bill,

and the sale is no longer necessary for operational purposes; it is simply a way of generating revenue.

I hope my colleagues will consider the long-term implications of using our strategic oil stocks just to generate revenue for the operation of government on a weekly and monthly basis. I believe this is a bad precedent. I believe we should reject this part of the legislation, and if the opportunity presents itself to offer the amendment, I will urge our colleagues to join us in deleting this provision and ensuring that future revenue-generating sales of SPR oil not be accomplished or proposed simply to pay the ordinary operating bills of the various agencies covered by the legislation.

I know my colleague from Alaska is expected to come to the floor in the next few minutes and give her views on this same legislation that she and I are cosponsoring, the amendment I have just spoken about. Until then, I yield the floor and 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.

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

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

Mrs. FEINSTEIN. Madam President, I thank Senator BINGAMAN for his comments. He has been an excellent chair of the committee.

It is our understanding that these points were never brought to the committee. However, I am told the Energy Department has told my staff that the budget request is valid due to the Department's need for operational flexibility.

I want everybody to know that the floor is open. If you filed an amendment, please come down to speak on it. If you want to file one, please do so as quickly as possible. The floor is open for amendments.

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.

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

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

Ms. MURKOWSKI. Madam President, I have come to the floor this morning to discuss a provision in the Energy and Water appropriations bill that apparently Senator BINGAMAN has just spoken to. This would require the sale of $500 million worth of oil from our Nation's Strategic Petroleum Reserve or we call it the SPR. I do believe this is an inappropriate use of our limited emergency stockpiles, and I think it would also set a dangerous and an unsustainable precedent for the future.

As I understand it, the administration first requested this sale in its fiscal year 2012 budget proposal and justified it by asserting there was an integrity issue in one of the caverns where the SPR oil was stored. We heard this discussion before the Energy Committee some months ago. He asserted the sale was necessary because DOE had to drain the oil in that cavern to perform some repairs that were apparently necessary.

The House Appropriations Committee subsequently authorized the sale in its version of the bill which was then released in June. At that point in time, based upon DOE's representation, I guess it was kind of hard not to argue the sale was not justified. But then events took a different course. Several weeks later, as part of a coordinated effort with the IEA to increase global supplies, the President chose to sell about six times more crude from the SPR than the House had originally contemplated.

Whether one supported that sale or not, I think it would have been reasonable to assume or to expect the administration would sell the crude from the cavern that needed the repairs. They needed to get that out so they could do the necessary repairs. So when an unannounced sale comes along, one would think they would take the oil from that cavern, thereby solving at least one of the problems and obviating the need of a future maintenance-related sale. Enough oil has now been sold from our emergency reserves to fill not one but six troubled caverns.

The only justification that can remain now is the need for more cash. We need more money. Given that background, I would encourage the Senate to consider that selling $500 million worth of our emergency oil reserves right now simply to help offset other appropriations is akin to cashing out our insurance policy in order to cover the cost of a mortgage we can't afford in the first place.

The SPR was designed to be that emergency safety net, if you will, or like an insurance policy. Remember, there is a very good reason why we have this insurance policy in the first place. Congress created the SPR in the aftermath of the oil embargo back in the 1970s to serve as a safety net in the event we were to see a major supply disruption. Given the volatility that continues to churn the global markets, our strategic stockpile is arguably more important today than ever before. As long as we maintain a large volume of oil within the SPR, we will ensure Americans have some level of protection against future disruptions. If we decide not to take the long view, we face the very real risk of being forced to spend more tomorrow to repurchase the oil that is being sold today.

One may ask: How likely is any kind of a future disruption? I would say the odds are still higher than we would like. Our Nation remains roughly 50 percent dependent on foreign oil, importing close to 9 million barrels a day at the cost of hundreds of billions of dollars a year. The world, as we know, is not exactly stable. Large volumes of Libyan oil remain offline. Iran continues to provoke its neighbors, raising the specter of future attacks. Saudi Arabia's leadership is aging rapidly, leaving the door open to perhaps future unrest and upheaval. China, India, and many of the other countries are rapidly expanding their oil consumption and, in the meantime, forging close relationships with major suppliers that can be leveraged in times of emergency.

Here at home, the Federal Government continues to hinder the development of new supplies that would improve our energy security and reduce the need for a strategic reserve. We have seen development halted or delayed in Alaska in the northern part of the State, in the Rocky Mountain West, and a number of other areas. The new 5-year leasing plan for offshore development does take a few small steps, but it keeps both the Atlantic and the Pacific coasts under a de facto moratorium through at least 2017. The administration has also delayed its decision on the Keystone XL pipeline. We just saw that news this week. This would have carried significant volumes of Canadian oil. Again, that is oil from an ally, from a neighbor, that would have brought that into this country.

The result is, we are not doing, in my opinion, nearly enough to reduce our dependence on foreign oil, so we still need a Strategic Petroleum Reserve, and we cannot treat it as a national ATM that can be tapped when the money is tight. That is not the reason we should have or the way to utilize the SPR.

I wish to share a quote from a witness who testified before the Energy Committee earlier this year. His name is Kevin Book. He is a real expert on energy policy, and I think he made quite an impression on our committee. He encouraged us to seek alternatives to petroleum, but he also said:

> Selling oil out of the Strategic Petroleum Reserve to pay for efficiency gains and alternative fuels could seriously diminish U.S. energy security without necessarily delivering financial benefits.

For anybody who might be interested, I am happy to provide a copy of his testimony. I think it was quite useful in understanding why this approach is not appropriate at this point in time.

As we seek to pay for legislation that comes before us—whether it is this appropriations bill or something else—I continue to believe one of our best paths forward is to produce more of our own abundant resources and then put the resulting Federal revenues to good use. Instead of selling our emergency oil and risking future dilemmas, we should, instead, put policies in place that expand and that accelerate the pace at which we develop our immense natural resources.

Right now, Alaska has about 40 billion barrels of oil that are just waiting

to be tapped for the good of the Nation. I keep saying we have money that is buried in the ground up there. If we harness those resources and more of the resources in the Gulf of Mexico and the Rocky Mountain West, we would be dramatically increasing our energy security, we would create tens of thousands of new jobs, and generate billions and billions of dollars year after year that could be applied to both deficit reduction and the development of new energy technologies.

I would encourage the Senate to support any amendment that strikes the SPR provision in this bill and encourage us, instead, to focus on the development of a more viable long-term energy policy.

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

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

The bill clerk proceeded to call the roll.

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

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

THE SUPERCOMMITTEE

Mr. SESSIONS. During the summer, Democrats and Republicans in Congress, as Americans well remember, had a big fight over trying to reduce spending as we approached the Nation's debt limit.

As we know, the product of that fight was a leadership-brokered deal that promised long-term savings in discretionary spending of around $900 billion over 10 years, not just in 1 year. It also created the Supercommittee, which has been meeting in secret to find another $1.2 trillion in possible savings. We hope they do and they should, frankly, find more in savings. Whatever they come up with must be voted on in the Senate without any amendment and cannot be altered in any way. This is concerning to me. Virtually every deal we have seen this year has been filled with promises of savings, but when we analyze them, the savings are not nearly as real as promised. So we do not need another plan with tax hikes that never go away and promises of spending cuts that do not materialize or are not continued.

Indeed, the debt limit deal, which produced the Budget Control Act this summer, claims to contain a spending cap, but that is not accurate. It is a phony cap. The cuts that matter most are, in many respects, those that of course take place right away. But, after all of the bickering and drama, we ended up with a deal that cut discretionary spending by only a paltry $7 billion from the fiscal year 2011 discretionary budget. To put this number in perspective, the total outlays for 2011 are $145 billion greater than 2010, and our deficit is nearly $1.3 trillion—$1,300 billion deficit. We are talking about promising a $7 billion reduction in spending. Nevertheless, $7 billion in discretionary cuts, at least, is real and a small step, in the right direction; right?

We are supposed to spend $1,043 billion this year. That is $7 billion less from the $1,050 billion in discretionary spending from last year. Unfortunately, this is one more empty promise, because the legislation was rushed through—this Budget Control Act—in the eleventh hour at the fifty-ninth minute. Nobody, at that time, knew there was a gimmick in it.

Here is how it worked: The Budget Control Act created a cap adjustment for disaster relief funding. It took a 10-year average for emergency spending and estimated that to be $11.3 billion for 2012. But, this $11.3 billion in the Budget Control Act is a new fund, and it is spent by regular appropriations, not by 60 votes—as in the past for emergency spending—and it is above the $1,043 billion figure. So the truth is, the bill is not and never was $1,043 billion, as promised, a limit on spending to that amount, but $1,054 billion. Therefore, spending for discretionary accounts this year will be larger than last year.

The writers of the Budget Control Act went even further. They changed the Senate rule in this bill that was passed at the fifty-ninth minute of the eleventh hour to eliminate the 60-vote rule even for emergency spending, creating another loophole. So a 60-vote point of order—which has been used here over the years to challenge a designation as emergency spending—has been stripped as part of a bill denominated as a Budget Control Act, so the new fund can be spent—this $11.3 billion—at any time as a normal appropriation, as if it were within the budget and without a 60-vote requirement. This eliminates the pressure to stay within the budget to offset annual disaster spending as a number of us have been attempting to do in recent years.

For instance, if you have $2 billion in disaster spending as part of a specific appropriation, instead of eliminating $2 billion in waste somewhere else in order to keep your total spending within the budget, you have free access to the $11 billion fund and do not have to worry about offsetting a penny. You also do not need a vote for disaster funding approval. As a result, this little offset issue has grown as a tribute to the effectiveness of Senator TOM COBURN, who has been fighting to offset so-called emergency spending designations. The 60-vote requirement to pass the emergency bill gave him some leverage and ability to challenge the spending and challenge the appropriators in order to find offsets for the new spending. Instead of calling this the Budget Control Act, we should call it the Coburn control act. This is not a step forward for us.

The real spending cap now is $1,054 billion, $4 billion more than we spent last year. You only need to go through an emergency designation process if you want to spend even more than that, but you do not need 60 votes even for that. The irony here is that there was widespread belief, in this Chamber, that we needed to tighten the emergency spending designation, because it was being abused.

To give one unbelievable example, the Senate counted $210 million in the routine funding for the census as emergency spending. The census is in the Constitution and is required to be conducted every 10 years. How in the world can we say this is unexpected emergency spending? It is as routine as anything can possibly be. It was done because otherwise spending would be needed to have been cut by $200 million somewhere else. The Budget Control Act has succeeded in actually weakening the standard for emergency spending and creates one more loophole for the spender.

Again, the effect of the $11 billion fund is that it effectively nullifies the cap we were promised. The appropriating committee will have no incentive to achieve savings when they can spend every penny of the $1,043 billion base budget all while knowing there is still another $11 billion to be spent when they exhaust the first allotment. The evidence of this is before our very eyes. To date, in one form or another, seven appropriations bills have come before the Senate floor. Four of them have been voted on and passed. The Energy and Water bill is before us this week. We should have been considering each of these bills individually and doing our due diligence, but we haven't. They have been moved through in groups. But, I am glad this legislation, the Energy and Water bill, will be considered on its own, and not bundled with others as a mini-bus or omnibus as the Washington parlance goes. The bad news is that the seven bills we have seen on the floor have already increased spending by $9 billion. We are well on our way to using every cent of the $11 billion fund, with no effort to achieving savings elsewhere to stay under budget.

The Energy and Water bill on the floor now increases spending by $1 billion. That may seem small in Washington terms, but it is the reason we are going broke. A billion here, a billion there, pretty soon it is a great deal of money. If we can't, honestly, even reach the paltry goal of $7 billion in savings, how on Earth can we tackle our $15 trillion debt?

Or consider food stamps. Federal welfare spending is now about $700 billion a year. It is more than $900 billion a year when you count state obligations or contributions to the same programs. Food stamps are the fastest growing major item in the welfare budget. They have quadrupled in 10 years. The Food Stamp Program is one of 18 federal nutritional support programs in the budget—1 of 18. The number of people receiving food stamps has climbed from about 1 in 50, when the program went national, to almost 1 in 7 today.

Some of the more than 45 million people receiving food stamps exceed the program's eligibility requirements. They have higher income or higher assets than you are supposed to have to qualify. But, they received the benefits because they get them as a reciprocal benefit for other Federal benefits they get. If they qualify for one program, they are then categorically entitled to the Food Stamp Program even though they do not meet the basic requirements. And reports of fraud and abuse are widespread.

We were promised recommendations by the chairwoman of the Agriculture Committee, Senator STABENOW, for how the supercommittee could achieve savings in the agriculture budget of which food stamps is the largest component of the entire agriculture budget, by far, dwarfing other expenditures, such as aid to farmers. They were supposed to arrive, the Senator promised, by November 1, but as of now, we are still waiting.

The sad truth is our Democratic-led Senate has not met its responsibility to help this Nation confront its most serious threat, and that is the debt we have. It is the greatest economic danger of our time, as we have repeatedly been warned. If we ultimately fail to control Federal spending, which has nearly doubled in 10 years, we will experience a debt crisis that leads to loss of jobs, loss of growth, and loss of economic opportunity. Such a crisis will hurt those with less income the most. It is our duty to stop the occurrence of this very preventible tragedy.

Instead of the irresponsible spending favored by the political class, it is time for Washington to be more accountable, to focus on the middle class. That means creating jobs through the private sector, producing more American energy, keeping our wealth at home, making the government lean and productive, a servant of the American people, confronting our dangerously rising debt, which threatens our economy and jobs, adopting a globally competitive tax code, upholding the rule of law and trade, eliminating unwise, damaging regulation, and finally, delivering the good people of this country the honest and responsible budget they deserve.

We have a long way to go. I am disappointed we cannot even comply with the intent of the Budget Control Act passed this summer.

I thank the Chair.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWN of Ohio. I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

CHAINED CPI

Mr. BROWN of Ohio. Mr. President, the supercommittee we all talk about—and it meets mostly in secret—is putting out plans and ideas to deal with the deficit—some, I am sure, good; some a little less good. I am concerned about one thing the supercommittee has been talking about—the stories that have come out that I know about, and that is something called the chained Consumer Price Index.

I know that many conservative politicians in this body and down the hall in the House of Representatives have advocated that we change the Consumer Price Index to something called the chained Consumer Price Index.

The way the Consumer Price Index is calculated is especially important for senior citizens because their Social Security cost-of-living adjustment—called the COLA—is predicated on how the cost of living is calculated.

Right now, the cost-of-living adjustment is based on the Consumer Price Index-W, which means it is determined by wages, the cost of living for people in the workplace. It is not determined by the cost of living for retirees even though it affects what retirees get in their cost-of-living adjustment.

That sounds like a lot of words, but here is what that means. It means that when you figure the average increase in the cost of living for the American people—and you are only looking at those who are employed, so they are more likely to be in their twenties, their thirties, their forties, their fifties, maybe in their early sixties or a little older. So if you are only looking at that, the cost of health care is a less significant cost for them in their daily expenses and their monthly expenses and their annual expenses than for someone who is retired.

So I am going to introduce legislation soon that will change the Consumer Price Index-W—wages—to the Consumer Price Index-E, for elderly. The reason is because if you are 70 years old, your cost of living is much more fueled by the cost of health care than if you are 30 years old.

I know Senator MIKULSKI has been a real leader in this, and she is one of the immediate prime cosponsors of our legislation. She has had a terrific record here in the Senate, the senior Senator from Maryland, in fighting for fair play, a fair, strong Social Security and Medicare system, against these plans from conservatives around here to take Social Security and turn it over to Wall Street, to take Medicare and turn it over to the insurance companies.

But our legislation would make it fairer so that seniors would actually have a cost-of-living adjustment based on their cost of living. What is wrong with that? Instead, conservatives around here want to go the other direction, which would reduce the cost-of-living adjustment by this thing called a chained CPI.

The way this chained CPI works in a nutshell is this: If your cost of living is $100 a week, and the chained—instead of eating beef, you could save money by changing to chicken. So they are saying, under this chained CPI, that you should change to chicken and save X number of dollars so your costs would be less.

What this would mean—and I want to read you some statistics—if they get their way, if anti-Social Security conservatives around here get their way, it will mean that senior citizens will get significantly less than they would under the way it works now, let alone the way that we want to change it to, that Senator MIKULSKI and I want to change it to, this CPI-E. It would mean that seniors, by the age of 85, would be getting about $1,000 less in their Social Security. That is just not something we can do.

Here are the exact numbers. Under the chained CPI, a typical 65-year-old would get $136 less today than they would get under the CPI as calculated today. A typical 75-year-old—this is calculated each year, so it is a little bit like the reverse of compounding interest—a typical 75-year-old would get $560 less a year. A typical 80-year-old would get $984 less per year. A typical 95-year-old would get $1,392 less a year.

So what conservative politicians around here want to do—I know you have been on the right side of this, Mr. President, from Minnesota your whole career and before you came to the Senate too—what the conservatives want to do is cut the cost-of-living adjustment even more.

The last 2 years, there was no COLA, there was no cost-of-living adjustment for seniors. What conservative politicians—the ones on the supercommittee who want to do the chained CPI—what they are arguing is that you should have gotten a cut; that instead of no COLA, you should have gotten even less; that this way we do the COLA now is too much money for seniors.

Social Security is not part of the budget deficit. It is not the problem. It does not need fixing. Of course, we always need to make sure Social Security is viable, and it will be for decades in the future. We can make some minor adjustments. But in the name of cutting the budget, cutting Social Security cost-of-living adjustments really affects poor seniors and middle-income seniors. We know that in my State of Ohio and the Presiding Officer's State of Minnesota, Social Security—more than half of the people in my State get more than half of their income from Social Security. So we have no business cutting Social Security.

My legislation would actually be a fairer reflection of the cost of living and is preferable to what some people in this body and some people in the House of Representatives and in the supercommittee want to do—the so-called chained CPI. It is a terrible idea, the chained CPI. It is not fair to our seniors. It is not fair to our country. It is something that should be rejected out of hand.

Then, as we figure this out and move forward, we should think about, do we want to do the CPI-E based on the elderly cost of living, not the CPI-W, based on a 35-year-old's cost of living and how that is reflected.

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

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

The legislative clerk proceeded to call the roll.

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

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

REMEMBERING LLOYD G. JACKSON

Mr. MANCHIN. Mr. President, I rise to speak about an honorable, dedicated public servant and a good friend from West Virginia whom we lost last month on October 29.

Lloyd G. Jackson was a true West Virginian, born in our southern coalfields in a small town in Lincoln County on May 30, 1918. Throughout his 93 years, Lloyd Jackson always answered the call of service—whether it was for our great Nation or for the beautiful people of West Virginia.

Lloyd is the type of person who was well thought of by everyone who met him. From my own personal experience with Lloyd, I can say that I had the utmost respect for his humanitarian approach to every problem, most importantly for his professionalism.

Lloyd's love for country and deep commitment to public service started when he was a young man and enlisted in the U.S. Army in 1941, during World War II. Before he left the military, Lloyd rose to the rank of master sergeant.

After returning from war, Lloyd's commitment to his beloved family and public service continued. He pursued and expanded his family's oil and gas business, and through his business he created good-paying jobs and touched the lives of countless West Virginians.

In 1946, he was elected to serve in the West Virginia State Senate, representing his home region of Bonne, Lincoln, and Logan Counties. That same year a man well known to this body, Senator Robert C. Byrd, was elected to the West Virginia House of Delegates, and joined Lloyd Jackson in the West Virginia Senate in 1950. The two became lifelong friends. For nearly 25 years, Lloyd Jackson represented the people of the southern part of our State with the utmost distinction. Lloyd was known for his leadership qualities as a State senator, and he took an active role in national legislative organizations, such as the National Council of State Legislatures and the Council of State Government.

His peers recognized his leadership abilities and made him president of the West Virginia Senate. As Senate president, Lloyd demonstrated true characteristics of a dedicated public servant—leadership, passion, commitment, and persistence.

Lloyd G. Jackson will forever be remembered for his many years of unwavering service to the Mountain State and its people. However, Lloyd will also be remembered for his passion and dedication to his community and for touching the lives of so many. He was a faithful member of the Central United Methodist Church in Hamlin. Lloyd was a loving husband of nearly 63 years to Pauline and a caring father of two children, Suzanne Rabin of Eugene, OR, and Lloyd II of Hamlin, WV, and a proud grandfather of Lloyd III of Hamlin and Ryan of Palo Alto, CA.

Gayle and I are keeping his wife Pauline and the entire Jackson family in our hearts and prayers. While we know that Lloyd Jackson is gone, his legacy of public service and compassion for the people of West Virginia will live in our hearts forever.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 973 THROUGH 976

Mr. BLUNT. Mr. President, I want to talk about the four amendments I filed on this bill. I will say right upfront, all four are supported by my Missouri colleague, Senator MCCASKILL, so they are bipartisan amendments. Two of them would deal with a property ownership issue created by an infringement by Federal regulators, by FERC. They both deal with a private power generating dam that was built in 1931. It created a lake called Lake of the Ozarks, and over the years private property owners have constructed literally thousands of homes that on this map beside me are impacted. The houses are the red dots. The other areas in there are thousands of buildings of one kind or another on a lake that is one of the most used lakes in the country. Some people go to those houses on the weekend and a lot of people live there all the time. This is their home.

Since the 1950s, the Lake of the Ozarks has been the most visited lake by boaters in the Midwest. It is a lake that is not owned by the Federal Government. Tourism at this lake totals about $200 million annually. Because of this tourist industry there is lots of private investment.

In 2004, Ameren Electric, the current owner of the lake—it was built, again, in the 1930s by Union Electric, which later became Ameren Electric—applied to FERC to renew their license to generate power at Bagnell Dam, which is the dam that was built to impound the water that created the Lake of the Ozarks. This application also made sure that virtually all of the homes and structures would no longer be subject to the Federal Energy Regulatory Commission, but FERC rejected this request. The result has been a back and forth between Ameren and FERC and the property owners for the past 7 years.

This finger-pointing by everybody involved—except the property owners, who simply think they own the property—has been nothing short of outrageous and it has left property values, businesses, tourism, tax revenues, and jobs in question. FERC has taken its role too far. FERC is acting as though they are the Corps of Engineers and somehow the taxpayers of America own this property instead of the taxpayers who actually are the individual taxpayers who own the property.

On every acre of land covered by water, taxes have been paid. Property taxes have been paid on that land since the first dream that this lake would be created—so 80 years of taxpayer money. This is not a Corps of Engineers work where the Corps of Engineers can say we own the lake, we own the shoreland, we are going to decide what you are going to do. FERC has taken its role too far and it is engaging in a pattern of enforcing shoreline management rules.

My first amendment would simply modify the Federal Power Act by changing the definition of what could be considered a ''project purpose.'' Currently, FERC recognizes public recreational use of land but not private ownership. We would not say they could no longer recognize public recreational use of land, but we would say that they have to recognize private ownership. If FERC, at a lake such as this, can decide access to the land, why can't FERC or some other Federal agency drive by a farmer's farm and say: That is a nice pond out there. I will bet it has some fish in it. Why don't we ensure that everybody who wants to have access to that farmer's pond has access to that farmer's pond?

Maybe I should not suggest that. Maybe some Federal agency would hear that and say: It is water, it is pleasant, people ought to be able to enjoy it; everybody ought to be able to enjoy it just like the people who own the property and build the property and do their work.

My amendment would stop FERC from putting the commission's policy preferences above those of ratepayers and private landowners in licensing this dam.

My second amendment would simply redraw the boundaries of the Lake of the Ozarks to reflect the 662-foot contour as necessitated by changing water levels over the past 80 years. It would limit FERC's ability to issue an order to remove structures in what they now consider a project boundary until that boundary has been more finally settled. It would limit FERC's ability to reject applications as long as power generation is still preserved.

The purpose of FERC is to see that a power generating dam generates power. It is not to control everything that is

behind that dam. That is not the job of FERC. In fact, let me leave those two amendments with a few stories of Missouri homeowners who shared their stories with me about how FERC and FERC's actions affected their lives.

This is a 30-year-old house that these homeowners have paid property taxes on for 30 years. In fact, you can see this large pine tree in front of this house. It was a seedling when they started paying property taxes, and that is a big tree. They paid property taxes the whole time. It is their first home. It is their only home. They have been informed that they are within the Bagnell Dam boundary, meaning they risk losing their house. In fact, it is one of 17 homes in this subdivision facing the same problem.

In another home, Fred and Barbara Lowtharp purchased this home 15 years ago. It was built 35 years ago. These are not new homes that somebody has just put on this property in the last couple of years and FERC has come in and said you made a mistake. This is a 35-year-old home that the current owners have lived in for 5 years. Barbara shared this with me on Facebook. She said:

> We have been paying taxes and upkeep on our homes and new homes have been built around us within the last 2 years with permits and titles. These homes are not cabins. The majority of us live here year round.

This is according to the owner:

> We have our money invested in these properties in good faith when we bought them, going through the right procedures and thinking you are a property owner for over 16 years, then being told your deed isn't worth the paper it is written on is something that you cannot understand how this can happen in the U.S.A.

This is the Facebook note continued: ''Really feel bullied by the FERC agency and Ameren.''

We owe it to the citizens involved to see that the Federal Government doesn't come in and just simply take their property. It is not fair. Imagine, you get a new job somewhere, this is your home, you cannot sell your home and buy a new home because FERC suddenly decided, after 16 years of paying taxes, that your land is not owned by you even though the county tax collectors thought it had been owned by you the whole time.

Let me discuss quickly the other two amendments that deal with flood control. The Missouri and Mississippi Rivers have both been impacted dramatically by flooding this year. In Holt County alone, there was an astonishing 165,000 acres under water, most of it for 3 and 4 months. In Birds Point in the boot heel of Missouri, another 130,000 additional acres of farmland is under water. In total, we had over 400,000 acres, 600 square miles—something about the size of the entire State of Rhode Island—under water during parts of this year. Vital transportation corridors have been closed, highways washed out, businesses shut down and people have been dealing with this now for months.

My first amendment, amendment No. 976, cuts the bureaucratic redtape if all you are doing is putting back something that was there before the flood. If you are rebuilding a levee, if you are putting back things that were there before the flood, to rebuild levees or locks or dams that were damaged by the flood, you should be able to do it. You should not have to go through all kinds of studies to decide if the levee that you are putting back as it was and where it was can be there again. This is the only chance we have to get these structures back in place before the 2012 flooding season starts.

Of course, in 2012 it would not have to be a flood of this size to create great problems if the levee is already gone. That is what that amendment would do. It gives the Corps the tools they need to restore flood protection to the 2011 levels, hopefully before the 2012 runoff season begins.

I want to talk about amendment No. 975, which restricts funding of the Missouri River Fish and Wildlife Recovery Program to $22 million. This still leaves a lot of money for that program, but it takes the other money that has been available for that program all year and makes it available to meet the critical flood control crisis.

We have already spent more than $616 million on that program. This is essentially a program that is one of the big projects where the government buys land from willing sellers who want to let it become more of a wetland or a wildlife reserve, something such as that. I am not saying that willing sellers should not be able to do that, but I am saying for right now $22 million—not something more like $72 million—is enough.

In fact, we have had citizens in some of these counties call the Corps to be told truthfully: No, we don't have sufficient funds to restore the flood protection you are eligible for, but we could buy your farm. Imagine if you are on the other end of that call and you have a family farm and you are calling to find out what you can do about the levee or what you can do to get flood protection back, and they say: We cannot do anything about the levee, but we could buy your farm. If you want to go back to the kitchen table and decide if you want to sell out, the taxpayers of America have plenty of money to buy your farm, but, no, we don't have money to restore the levee that was protecting your farm just a few days ago. That is not acceptable.

That is why Senator MCCASKILL and I are cosponsoring all four of these amendments. We recognize that these issues are critically important in our State. In fact, the last two amendments are critically important in the seven States that start in Montana and end in St. Louis, MO, that are impacted by flooding in all seven of those States this year.

I hope we are able to consider these amendments, and I hope my colleagues will join me in trying to do what is right for the people we were sent here to work for.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

(The remarks of Mr. HATCH and Mr. BARRASSO pertaining to the introduction of S. 1880 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

Mr. HOEVEN. Mr. President, I rise to speak in support of amendment No. 1045 to H.R. 2354, which is the Energy and Water appropriations legislation. This amendment rebalances funding for the fossil energy research and development account in the U.S. Department of Energy from within the existing budget. I want to point out that this action results in no additional spending. It is simply an adjustment within the existing budget.

You may have heard recently about the tremendous progress we are making in the State of North Dakota when it comes to oil and gas development. We are also developing many of our other energy resources as well. Over the past decade, through a comprehensive energy plan called Empower North Dakota that we have put together, we have advanced all of our energy resources in tandem, and we have done it with good environmental stewardship. That includes coal, wind, biofuels and, of course, oil and gas.

In a little more than a decade, North Dakota has grown from the ninth to the fourth largest oil and gas-producing State in the country, having surpassed oil-producing States such as Oklahoma and Louisiana. If our current estimates are on target, we will soon pass California and become the third largest oil-producing State in the Nation. That growth is the product of a progrowth legal, tax, and regulatory environment that we have built with the right kind of pro-business policies. At the same time we have, as I said, developed a comprehensive approach and a comprehensive energy policy called Empower North Dakota. In addition, we have put in place cutting-edge research, which has also been a very important part of our energy strategy for the State. It was new technologies and

methods such as directional drilling that brought the innovative research over the past decade to tap the abundant petroleum reserves of the Bakken formation and other shale formations in North Dakota's oil patch. Directional drilling has not only enabled the recovery of oil in hard-to-reach vertical layers of shale, but it has also enabled multiple well bores to be drilled from a single pad. The result is more oil but also a much smaller environmental footprint. That is good for the energy industry, that is good for the environment, and that is good for American workers, with tremendous job creation, and, of course, for our consumers.

My amendment would redirect research dollars within the budget of the fossil energy research and development provision in this appropriations bill, and that would include $5 million that would be provided for in the natural gas technologies research and development, and also $10 million would be provided for unconventional oil or fossil energy technology development. Both of these research and development areas are very critically important, not only for more energy development but again for doing it in an environmentally sound way.

Because this $15 million is offset with funds from within the fossil energy research and development budget, it results in no additional expenditure to the account. Obviously with our deficit and our debt, that is very important. What the amendment will do is empower research into the next generation of petroleum and natural gas technologies to produce more energy, again, with better environmental stewardship.

This amendment will fund research in a range of important areas, including using carbon dioxide to enhance oil recovery in mature oilfields and reducing the environmental impact of natural gas and oil development. Notably, this research will continue to drive and develop new technologies for gas purification to achieve near zero atmospheric emissions, an economic as well as an environmental goal.

In short, this is the kind of research that will help to increase our supplies of domestic energy, reduce our reliance on foreign energy and foreign sources, and hold down the cost of foreign energy for American consumers and American businesses—all with better environmental stewardship.

This amendment will help us do all of these things and much more, and I ask for my colleagues' support.

Also, while I have the floor, I wish to express my support for two other amendments to H.R. 2354. These include amendment No. 975 and also amendment No. 976. I am pleased to have cosponsored both of these amendments with Senator ROY BLUNT of Missouri.

As you are well aware, there has been extensive flooding along the Missouri River over the course of this past year, all the way from Montana and North Dakota and the upper basin, down through the State of Missouri and the other lower basin States. As a result, we have been working hard with our citizens to recover from that flooding.

One of the things we have pressed the Corps of Engineers to do as aggressively as they can is to provide more flood protection so we not only help our citizens recover from the flooding this year, but so we can do all that we can to prevent flooding next year. At the same time we are pressing them to take all of the preventive measures they can to reduce lake levels, reduce reservoir levels so we have adequate room and protection to prevent flooding next year, we are also working within their budget to make sure they have the resources to address these needs.

Amendment No. 975 essentially takes $50 million that is within the Corps of Engineers' budget that is now used for the Missouri River recovery program—meaning things such as building sandbars and some of the riparian areas along the river. Currently there is a total of $72 million in that Corps of Engineers account. What we are doing is saying that $50 million of that should be made available so they can utilize it to enhance flood protection. This is a critical need right now. They are working diligently to repair dams, dikes, and levees.

We are pressing for them to do more in terms of preparing as far as water levels throughout the upper and lower basin, and at the same time we are providing assistance in their budget by giving them the flexibility to use dollars where they need them to enhance flood protection. This is $50 million within their budget that can now be used to enhance flood protection, and I strongly urge my colleagues to support amendment No. 975 to H.R. 2354, again, giving the Corps of Engineers needed flexibility to provide flood protection that is so important to the people along the Missouri River in the upper basin and lower basin.

Amendment No. 976 essentially provides that same flexibility and assistance. Essentially it eliminates the redtape. It prevents the Corps from having to get new permits, new licenses, or new approvals as they work to repair and restore levees, locks, and dams. So as they work along the Missouri River—the entire length of the Missouri River—to restore those flood protection measures—whether it is a levee, a lock, dike, or dam, whatever it might be—we are waiving those requirements to get new permits and new licenses and new approvals so they can get that work done now, this year, and be prepared for next year.

Again, the flooding has been devastating and extensive along the Missouri River. In my home State, it is not just the Missouri River but along the Souris River, as well as other areas. The Red River and Cheyenne had a terrible time with flooding. We need to take the kind of steps that will help our people recover but will also help us prepare for the future so we don't face these types of floods next year or any other year in the future.

Again, I encourage support from my colleagues on these very important amendments.

I thank the Chair for this time.

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

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

WASHINGTON'S SPENDING ADDICTION

Mr. DEMINT. Madam President, I was just listening to the news in my office, and I heard the report that the United States has gone over $15 trillion in debt. Of course, that is just our short-term debt. It doesn't really include our unfunded liabilities, which some estimate to be $100 trillion. But, nonetheless, $15 trillion is the size of our total economy—a condition that would mean certain bankruptcy for almost any business.

All of us in these Chambers have stood in awe, I guess, looking across the Atlantic at Greece and Italy and some of our European trading partners, and it seems amazing to us that despite their terrible fiscal condition, the politicians in Greece cannot even cut spending. They talk about cutting it, but the government employees are out in the street demonstrating, and one just has to think, can't they see what is happening? Why do they want to keep spending? It is like there is an addiction.

But here we are in the land of the free, the city on the hill for the world as far as the country that sets the example for free markets and free enterprise—a country that has fought wars to keep the rest of the world free—and here we are in a situation where we have to borrow well over $100 billion every month just to keep the lights on in this place, just to keep our country going.

All year long, we have been having these public showdowns about how we need to cut spending. We have threatened government shutdowns over the continuing resolutions and over increasing the debt limit. One would think that by this point we would be cutting spending to some degree. We have established this supercommittee, supposedly to deal with our huge deficits. Yet we are passing spending bills this week—today—that increase spending versus last year. Last year, we spent 5 percent more than the year before.

In reality, in some ways, our country is worse off than Europe because we have Federal debt, we have State debt, we have municipal debt, we have counties declaring bankruptcy, we have

States approaching bankruptcy, and yet we continue to spend more now than we did last year. After all of the fuss and fighting and brinkmanship and supercommittees, we can't seem to cut anything here. In fact, we are increasing spending.

The goal of the supercommittee is not to cut spending; it is not to cut our debt at all. The goal of the supercommittee is to reduce the amount we are going to borrow over 10 years—maybe reduce it from $10 trillion to $8 trillion or $9 trillion.

We are not even on the same page with reality right now. We have increased spending so dramatically over the last few years—we have added $4 trillion to our debt since President Obama came into office, we passed a $1 trillion stimulus, and we passed ObamaCare, adding trillions of dollars in spending.

Instead of talking about cutting, the debate now seems to be, how can we take more from the American people in taxes to feed our addiction? We have focused our guns on those very people who create our jobs and create most of the opportunity in our country, people who are already paying the largest portion of national taxes of any country in the world because we have shifted so much of the tax burden onto the top income earners. We are blaming them for the wealth gap when, in fact, the real blame for the wealth gap comes from the government taking so much out of the private sector, regulating with such a heavy hand, and having the second highest corporate tax rate in the world.

The problem with the middle class is not those who are making too much money; it is a Federal Government that doesn't understand that the more we spend and borrow, the fewer jobs there are going to be in our country today. Yet that is the big argument here. Instead of cutting spending, we are actually talking about taking more from hard-working American taxpayers and bringing it in here and giving it to the people who have created that $15 trillion in debt. How could anyone make sense of that?

It is really pretty amazing, after all the promises we have made to the American people, that we are watching our debt go up like this—passing $15 trillion—and we still can't talk about any substantive cuts.

Let me give one example of something that makes so much sense. Over the last two decades, we have seen welfare spending increase nearly 300 percent. There are 77 means-tested welfare programs, and over the last couple of decades, since welfare reform, the spending has increased nearly 300 percent. That is more than the combined increase of Social Security and Medicare. It is more than the increases in education or in defense. Are we helping people? Not at all. We have more people in poverty than we ever have had, and we are discouraging self-sufficiency while encouraging dependency on government.

In the last 4 years alone, we have nearly doubled what we are paying for food stamps, from $40 billion to $80 billion in this year's budget. If all we did was return welfare spending to 2007 levels, we could save almost $2.5 trillion over the next 10 years. That is twice the goal of the supercommittee in cuts. But are we even thinking about it? Is it even on the table? Absolutely not, because the one thing I have seen with this place is we are very good at getting bipartisan agreement on increasing spending in areas of need, but we seldom see bipartisan agreement on any cuts. Would we look at responsible caps on welfare spending? Not even a chance. It is not even on the table with the supercommittee discussions.

With Medicaid alone, if we return spending to 2007 levels, we could save more than the goal of the supercommittee of $1.2 trillion, but we are not willing to discuss cuts.

I think it is a sad day for America that we are plowing past $15 trillion, pretending to be responsible to the American people, while last week and this week and on into the rest of the year, we are going to be passing spending bills that spend more than we spent last year. At the same time, we are supposedly in a recession, Americans are tightening their belts, many are out of work, and what we are talking about here is, let's continue to spend and take more from hard-working, taxpaying Americans so we can keep our spending addiction going here in Washington.

It is utterly irresponsible, what we are doing. All the President can do is point at those whom he calls millionaires, who are generally the people who are creating the jobs, running the small businesses, and having the most to do with creating the investment that makes our economy grow, and try to blame them for the problems we create here in Washington.

It is time we keep our promises to the American people. I know it is hard for some in these Chambers to cut spending because dependency on government often means a dependable vote for many politicians. It is time we look at the future and the debt that we are loading onto ourselves, our children, and our grandchildren. This country will not survive the types of policies we are producing here in Washington today.

This supercommittee should look at real cuts in spending. If our Democratic colleagues are not willing to go along with responsible spending caps on programs such as welfare, then we need to walk away from the table and take our case to the American people and tell them what is really the truth, which is that the elections in 2012 may be our last chance to turn this around. We cannot keep spending at this level and keep taking more and more from the private sector, from the job producers in our country, bringing it here to Washington, and spending it on wasteful programs that are fraught with fraud and duplication and not even ever consider cutting any of them.

Last week, Dr. COBURN had a couple of amendments to an appropriations bill that had some very small cuts to what had been deemed wasteful, ineffective programs. On one of his amendments, he only got 13 votes. So this is clearly a bipartisan problem.

We need to cut spending. Washington has a spending problem, it does not have a low-tax problem. It is time we focus our attention on reducing the size and scope of the Federal Government and having it live within constitutional boundaries. We need to eliminate programs that are wasteful, return others to the States, and trim our budget to the point where we can pay for what we are spending so that we will not keep adding trillions and trillions of dollars of debt on to our country and our citizens and our next generation.

Madam President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. AKAKA. Madam President, I ask unanimous consent that I may speak as in morning business for 5 minutes.

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

(The remarks of Mr. AKAKA are printed in today's RECORD under ''Morning Business.'')

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

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

Mr. REID. Mr. President, we started out this week hoping we could complete a minibus—that means to do what we did a couple weeks ago and complete three appropriations bills at the same time. We had three good subjects. We had the underlying bill, Energy and Water. We moved from that and added to that Financial Services and Foreign Operations. We were unable to get a consent agreement that we could treat the package of bills the same way we treat other appropriations bills; that is, you cannot legislate on an appropriations bill and there have to be germane amendments offered. I was disappointed that we didn't get that agreement. I accept that.

The best news out of this is that, with the underlying bill, we have two of the finest Senators the Senate has ever had, Senators FEINSTEIN and ALEXANDER. They are knowledgeable,

easy to work with, and they understand that legislation is the art of compromise. They have done a wonderful job in the last 24 hours, working down the amendments. We have a number of amendments on the Republican side—a finite list—and we should have a Democratic list very quickly. We need to work it down a little more.

I appreciate very much the good work of Senator ALEXANDER and Senator FEINSTEIN. The normal process would be to pull the bill. We are not going to do that. We are going to leave the bill on the calendar so we can move to it in a minute's notice, really. We will keep it around, and we hope to be able to move to that soon. We are going to have some down time, and anytime we do that, we should be able to finish this bill in a day or day and a half once we get the amendments worked out.

This will give us the opportunity to move to the Defense authorization bill. I indicated to Senators LEVIN and MCCAIN well over a month ago that I would move to this bill. Not everything is worked out in it, but that is nothing unusual. It is a huge bill. Senators LEVIN, MCCAIN, LINDSEY GRAHAM, and others have worked hard to try to work out one of the problem areas we have had, and significant progress has been made. It really doesn't matter.

I have spoken to one Democratic Senator, and he still isn't very happy about some information that is in that bill. I told him he could offer an amendment quickly and try to assert his position.

UNANIMOUS CONSENT AGREEMENT—S. 1867

Mr. REID. Mr. President, I ask unanimous consent that following morning business tomorrow, Thursday, November 17, 2011, the Senate proceed to the consideration of Calendar No. 230, S. 1867, which is the Defense authorization bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

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

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

Mr. REID. Mr. President, it is important to announce to the Senate because of this that there will be no rollcall votes tonight.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

COMMEMORATING THE 60TH ANNIVERSARY OF THE UNITED STATES-AUSTRALIA ALLIANCE

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 324, submitted earlier today.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 324) commemorating the 60th Anniversary of the United States-Australia alliance.

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

Ms. LANDRIEU. Mr. President, I ask unanimous consent that 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 that any statements related thereto be printed in the RECORD.

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

The resolution (S. Res. 324) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 324

Whereas the United States Government enhanced its relationship with the Governments of Australia and New Zealand with the signing of the Australia-New Zealand-United States (ANZUS) Treaty on September 1, 1951, and subsequently engaged in annual, bilateral Australian-United States Ministerial (AUSMIN) consultations between the Australian Ministers of Foreign Affairs and Defence and the United States Secretaries of State and Defense, including a meeting in San Francisco in September 2011 that commemorated the 60th anniversary of the United States-Australia alliance;

Whereas the alliance remains fundamental to the security of Australia and the United States and to the peace, stability, and prosperity of the Asia-Pacific region, and is one dimension of a broad and deep relationship between the two countries that encompasses robust bilateral strategic, intelligence, trade, and investment relations based on shared interests and values, a common history and cultural traditions, and mutual respect;

Whereas numerous visits by Presidents of the United States, including this week by President Barack Obama, and by the Australian Prime Minister to the United States, including in 2011 when Prime Minister Julia Gillard addressed a Joint Session of Congress, have underscored the strength and closeness of the relationship;

Whereas members of the United States and Australian armed forces have fought side-by-side in every major conflict since the First World War, with the commitment to mutual defense and security between the United States and Australia being longstanding and unshakeable, as was demonstrated by the joint decision to invoke the ANZUS Treaty in the aftermath of the September 11, 2001, terrorist attacks;

Whereas the Governments of the United States and Australia continue to share a common approach to the most pressing issues in global defense and security, including in Afghanistan, where about 1,550 Australian Defence Force personnel are deployed, and in response to natural disasters and humanitarian crises, such as in Japan following the earthquake and subsequent tsunami in March 2011;

Whereas Secretary of State Hillary Clinton recently stated, ''We are expanding our alliance with Australia from a Pacific partnership to an Indo-Pacific one, and indeed a global partnership. . . . Australia's counsel and commitment have been indispensable.'';

Whereas Secretary of Defense Leon Panetta recently remarked that ''the United States has no closer ally than Australia. . . . [We] affirm this alliance, affirm that it remains strong, and that we are determined to deepen our security cooperation even further to counter the threats and challenges that we face in the future.'';

Whereas the Governments of the United States and Australia agreed to set up a Force Posture Working Group at the November 2010 AUSMIN to examine options to align respective force postures consistent with the national security requirements of both countries and to help positively shape the regional security environment;

Whereas the United States and Australia committed in a Joint Statement on Cyberspace during the 2011 AUSMIN meeting to consult together and determine appropriate options to address any threats;

Whereas the Government of Australia is a major purchaser of United States military resources, approximately 50 percent of Australia's war-fighting assets are sourced from the United States, and the Government of Australia has plans to spend a substantial sum over the next 10–15 years to update or replace up to about 85 percent of its military equipment;

Whereas, on September 29, 2010, the Senate provided its advice and consent to ratification of the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, signed at Sydney, Australia, September 5, 2007, which will facilitate defense trade between the two nations and enhance interoperability between military forces;

Whereas the Governments of the United States and Australia support open, transparent, and inclusive regional architectures to preserve and enhance peace, security, and prosperity in the Asia-Pacific region;

Whereas the Governments of the United States and Australia cooperate closely in regional and global forums, as evidenced by Australia's support for the United States as the host this month of the Asia-Pacific Economic Cooperation forum in 2011 and the United States' support for Australia to host the G–20 in 2014;

Whereas the United States and Australia elevated their trade relationship through the Australia-United States Free Trade Agreement that entered into force on January 1, 2005, and exports of United States goods to Australia have risen by 53 percent since that time, totaling $21,900,000,000 in 2010;

Whereas the United States is Australia's largest destination for foreign investment, helping create jobs for United States workers, with Australian companies employing more than 88,000 people directly in the United States;

Whereas the Governments and people of the United States and Australia work closely to advance and support human rights, the rule of law, and basic freedoms worldwide;

Whereas the Governments and people of the United States and Australia work jointly and separately to support democracy, economic reform, and good governance in the Pacific Islands, Southeast Asia, South and Central Asia, the Middle East, and North Africa, among other areas of the world; and

Whereas the Governments of the United States and Australia are working through their respective aid agencies (USAID and AusAID) and also exploring opportunities for collaboration across a wide variety of areas: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 60th Anniversary of the United States-Australia alliance and takes this opportunity to reiterate the enduring significance of this historic friendship that

serves as an anchor of peace, stability, and prosperity in the Asia-Pacific region and in the world;

(2) supports United States efforts to strengthen military, diplomatic, trade, economic, and people-to-people cooperation with Australia, including initiatives to positively shape the evolving strategic and economic environment that connects the Indian and the Pacific Oceans; and

(3) urges close consultation between the Governments of the United States and Australia in preparation for the East Asia Summit to be chaired by Indonesia on November 19, 2011, and encourages other, new forms of cooperation with the Government and people of Australia that strengthen regional architectures to enhance peace, security, and prosperity in the Asia-Pacific region.

EXPRESSING SUPPORT FOR NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 302 and that the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 302) expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

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

Ms. LANDRIEU. Mr. President, I ask unanimous consent that 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 that any related statements be printed in the RECORD.

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

The resolution (S. Res. 302) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 302

Whereas there are approximately 408,000 children in the foster care system in the United States, approximately 107,000 of whom are waiting for families to adopt them;

Whereas 56 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is more than 2 years;

Whereas for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas in 2010, nearly 28,000 youth ''aged out'' of foster care by reaching adulthood without being placed in a permanent home;

Whereas everyday, loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a 2007 survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though ''Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years'';

Whereas while 4 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas both National Adoption Day and National Adoption Month occur in the month of November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas since the first National Adoption Day in 2000, more than 35,000 children have joined forever families during National Adoption Day;

Whereas in 2010, adoptions were finalized for nearly 5,000 children through 400 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico; and

Whereas the President traditionally issues an annual proclamation to declare the month of November as National Adoption Month, and National Adoption Day is on November 19, 2011: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the people of the United States to consider adoption during the month of November and all throughout the year.

Ms. LANDRIEU. Mr. President, the resolution just approved by unanimous consent is a very important resolution that Senator GRASSLEY and I are proud to support, along with Senator INHOFE and others. It is a resolution recognizing that this Saturday is National Adoption Day.

I am happy to report that on this Saturday, there will be over 3,500 children who will be adopted into permanent families.

This day was started about 10 years ago by some very enterprising organizations, and the Senate and the House of Representatives have been helping to promote the concept of National Adoption Day for many years now, maybe as many as 10. We sure have been working to help highlight this special day. It was started by nonprofit organizations to highlight the fact that we have orphans in the United States.

People don't believe this, but there are over 100,000 children in our foster care system between the ages of 0 and 21, who are in our foster care system, whose parents' rights have been terminated for good reason—maybe terrible or gross abuse or neglect. Those parents are unable or unwilling to raise their biological children. These children need a forever family, a relative to step up, a cousin or an aunt or a grandmother to step up, or they need someone in the community to step up and say: You can be a part of our family.

People don't stop needing families when they are 21 years old. They age out of the foster care system, unfortunately, at 21 despite the good work we have done here to extend that time from 18 to 21. Unfortunately, every year 25,000 children age out of our foster care system, as the Senator from Iowa knows—he has been a phenomenal leader on foster care reform—without ever having been adopted.

When you are 25 or 24 or 23 and you are trying to apply for your first job, it would be nice to have a mother, father, grandmother, or a grandfather to call and ask: How do I dress? What should I say? Does my resume look OK? These children don't have that. When you are engaged, it would be nice to be able to call a parent and say: Can you help with the expense of the wedding or can you be there for me? These children don't have that. That is what National Adoption Day is about, highlighting the fact that there are children in our foster care system—beautiful, strong, intelligent children who need a forever family. We are doing our best to promote adoption for them.

Not only in our system in the United States, but sadly there are around 163 million children around the world living outside of family care. We think that number is conservative because we have reason to believe that even those who do a lot of counting are not really counting all the children in orphanages. The number is probably larger than that.

It sounds overwhelming—and it can be at times—to think about our goal to try to find a home for every one of these children. But just to put in perspective the U.S. numbers, it is 107,000 children. But the good news is that we have 300,000 churches in America alone—not counting synagogues or mosques. Mr. President, you can easily do that math. If just one family out of every three churches adopted one of these children in foster care, we would not have any more orphans in America.

That is why we are promoting this today and this week, National Adoption Month and National Adoption Day. You don't have to be perfect or wealthy; you just have to have a big heart and step up and be willing to add this blessing to your family. So many families have been blessed by adoption. As many people know, our family has been blessed by adoption.

This day is to commemorate National Adoption Day. In fact, I said 3,500, but it is 4,500 children who will be adopted on this day, and 5 will be

adopted in New Orleans, LA. I thank Judge Ernestine Grey and all of the judges for their good work to make that possible. We want to finalize these adoptions in all 50 States.

Saturday, we will celebrate families who adopt and encourage others to adopt children from foster care, build stronger collaborations among local adoption agencies, and, again, raise awareness about the 107,000 children who are waiting. Many of these children, despite our laws that mandate an 18-month wait period, maximum, sometimes wait more than 3 years.

In conclusion, let me just say we need to do more. We can do more. I wish to highlight for the record two wonderful organizations that, in my mind, have been going above and beyond the call of duty.

One is the Dave Thomas Foundation Wendy's Wonderful Kids Program. They are a great example of just one organization that is doing great work to find homes for children who are considered ''unadoptable'' or ''hard-to-place'' simply because they are 7 or 8 or 10 or 12 and not 1 or 2. They are ''too old'' to be adopted. I never thought I would hear the words ''too old'' when referring to a child who is 7, 8, 10, or 12, but that is what people think. They have worked hard—Wendy's Wonderful Kids—and have come up with a new approach, a better approach. They have had extraordinary success in piloting a new child focus recruitment plan and finding 2,500 children permanent homes since 2004. Rita Soronen, executive director of Dave Thomas Foundation, is a leader, and Wendy's Wonderful Kids is a great example.

Let me just put into the RECORD another organization that has a gallery right here, the National Heart Gallery, which has an exhibit here at the Capitol in the Russell Senate Rotunda. The National Heart Gallery is another very organic, nonprofit, community-based movement. They took beautiful portraits of these children to show their personalities and life. When people are looking at their portraits, they could be pulled in by the beauty and true reflection of the child's personality. So the National Heart Gallery is another wonderful organization, and I want to recognize those two. There are many others.

In conclusion, I thank the Senator from Iowa. He and I chair the foster care caucus together. It has been a pleasure working with him. We look forward to another great year ahead. We have had some success—actually, a great deal of success—in promoting adoption out of foster care and reforming the foster care system. It is a pleasure to work with Senator GRASSLEY.

I yield the floor to my colleague.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I appreciate the kind words of the Senator from Louisiana. Likewise, it is a pleasure not only to work with her, but the two of us have been able, on most foster care and adoption issues, to find a broad coalition of Senators. Many people don't have permanence because of the lack of adoption or because of faults within the foster care system. These Senators are very interested in bringing changes in legislation that makes that permanence and stability more a fact and creates a better quality life for these young people. I thank Senator LANDRIEU for her leadership.

I likewise, as she has, rise to honor National Adoption Month. I will take a few minutes to discuss my support for S. Res. 302 and for policies that promote and encourage adoption.

For years, I have championed efforts to increase awareness of adoption and help streamline the process for families who open their hearts and homes to children who have no other family. S. Res. 302 helps promote national awareness of adoption and the children awaiting families, celebrates children and families involved in adoption, and, lastly, encourages the people of the United States to secure safety, permanency, and well-being for all children.

As cofounder and cochair of the Senate Caucus on Foster Youth, I have taken a keen interest in helping children who find themselves in the foster care system. In the United States today, more than 400,000 children live in the foster care system. Many of these children have been welcomed into adoptive homes. However, over 105,000 of those in foster care are still waiting to be adopted.

According to the Administration of Children and Families in my home State of Iowa, more than 4,700 kids entered the foster care system last year, a total of 6,500 kids were in my State's foster care system in 2010.

Foster youth simply desire to have what so many of us were blessed to have; that is, a home with caring, loving parents and siblings. In other words, in a short statement, they want permanency. They want stability. Too many older children in foster care, especially those with special needs, are often the ones who wait the longest to leave foster care. These kids are less likely than younger children to find what we refer to as ''forever homes.''

While research shows that 40 percent of the Americans have considered adopting, many are reluctant because they are unsure of the adoption process. They have inaccurate perceptions about the children who are eligible to be adopted. Some believe children in foster care are there because of delinquency and other behavioral problems. The unfortunate fact is most children who are in foster care are there because they are abused, neglected or abandoned. These vulnerable children desperately need a family structure. They need parents who serve as positive role models, helping them become bright and successful members of their community.

While progress is being made to increase adoption, there is always more work to be done. Helping in this process are numerous agencies and nonprofit organizations that work tirelessly to find worthy American families who want to be adopting parents. In Iowa, one such agency is Four Oaks Family and Children Services of Cedar Rapids, IA. Four Oaks has had a recruiter working with Wendy's Wonderful Kids since 2005.

Wendy's Wonderful Kids is an innovative program of the Dave Thomas Foundation for Adoption, named after the late American business icon who founded Wendy's Restaurants. The foundation's mission is to promote adoption. It recently released a report about the success of the Wendy's Wonderful Kids Program. Specifically, the program is more focused on hard-to-place children. Recruiters work with children to find them the most appropriate placement. This program is a success story.

Congress has also adopted and acted on legislation. In 2008, I was part of a bipartisan effort to pass the Fostering Connections to Success and Increasing Adoption Act of 2008. This new law represented the most significant and most far-reaching improvement in child welfare in over a decade. It provided additional Federal incentives for States to move children from foster care to adoptive homes. It included legislation that I had introduced to make it easier for foster children to be permanently cared for by their own relatives, including grandparents, aunts and uncles, and to stay in their home communities. That, of course, is one way of bringing about greater stability.

Provisions in the law also made all children with special needs eligible for Federal adoption assistance. Previously, that assistance had been limited to children who were removed from very low-income families. The law broke new ground by establishing opportunities to help kids who age out of the foster care system at age 18 by giving their respective States the option to extend their care and by helping them pursue education or vocational training.

In late 2009, Senator MARY LANDRIEU and I formed the Senate Caucus on Foster Youth to give older youth in and out of care and their families a place where their voices could be heard. We wanted foster youth to be part of this legislative process. By hearing from young people and from their families who have experienced the foster care system firsthand, congressional leaders will become more aware of the issues facing young people and their families.

The caucus has and will continue to generate new ideas to prevent negative outcomes and create new opportunities for success. We wanted to focus on helping young people when they age out of the foster care children, typically at age 18. As many as 29,000 children age out every year without ever having found adoptive placement. Without the security of a family, they often end up homeless, end up incarcerated or end up maybe addicted to

drugs. Children who age out of the system enter adulthood without knowing what it was like to be raised having their own families because they were under the State's supervision. In a sense, the State was their family, and that is not much of a family. They missed out on having a mom and a dad and maybe brothers and sisters to grow up with and to learn from and with whom they would have relationships for the rest of their life. They missed out on a very important part of childhood that they will never know, one that too many of us take for granted.

They are thrown into the world and forced to take care of themselves. They struggle to pay bills, to find and hold a job, and to simply make ends meet.

That is why adoption awareness is so very important and hence the resolution we are talking about. Since the First National Adoption Day in 2000, more than 35,000 children have joined ''forever families'' during National Adoption Day. In 2010 alone, adoptions for almost 5,000 children were finalized through 400 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico.

These are impressive numbers—numbers that make us proud of the work being done to help foster children get the proper care. But there is always more work to be done. I have said that twice but can't say it too many times. It is through awareness such as this that we can help the work to continue.

In passing S. Res. 302, this body will make an important statement about our collective support for the needs of foster children. It recognizes the families who took the giant leap to open their homes to other children. National Adoption Month is about kids who need a home, it is about kids who just want a mom and a dad, it is about helping children who are victims of neglect and abuse, and it is about giving children living in foster care the ability to live their dreams.

We need to keep working together to break down the barriers to adoption so every child feels the relief of a solid family. I am proud to support the many kids who wait for permanency and stability but, more importantly, I want to salute the many organizations that are helping to make their dreams come true.

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

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

NATIONAL DEBATE ON GUN CONTROL

Mr. GRASSLEY. Mr. President, because of the attack against Congresswoman GIFFORDS, there has been some legislation introduced for more gun control. We are going to have to take a good look at that piece of legislation, as we have unanimously passed legislation after the tragic shooting in Virginia Tech in April of 2007. I am not going to deal directly with that specific piece of legislation, but I wish talk about some of the general approaches to gun control that are being discussed.

Getting back to Virginia Tech, the national debate surrounding updating Federal gun laws gained national attention following the tragic shooting at Virginia Tech and now, of course, has come up again because of the attack against Congresswoman GIFFORDS.

Following the terrible tragedy at Virginia Tech, Congress passed the National Instant Criminal Background Check System. That goes by the acronym of NICS, N-I-C-S, so I will be referring to the national instant criminal background check by that acronym.

This bill, as I said, passed the House and the Senate by unanimous consent and was signed into law by President Bush. Despite the strong bipartisan support the NICS Improvement Act had, the improvement act was not a perfect piece of legislation and is a good example of why we need to be very careful when we legislate to avoid unintended consequences. So I am raising some of these issues in regard to the possible consideration of legislation that has been introduced because of the terrible attack on Congresswoman GIFFORDS.

For example, in the next bill it actually—with unintended consequences but still doing it—stripped thousands of veterans and their beneficiaries of their second amendment rights simply because they had a fiduciary appointed on their behalf. Oftentimes, a fiduciary is appointed simply for managing disability compensation pensions or survivor benefits.

Under an interpretation by the Department of Veterans' Administration, veterans who have a fiduciary appointed are often deemed ''mentally defective,'' and are then consequently reported to the FBI's NIC system and consequently prohibited from purchasing a firearm.

Under the NICS Improvement Act—and that was a bipartisan bill—with unintended consequences, this happened: Around 114,000 veterans and their beneficiaries have been automatically denied their second amendment rights.

It is a terrible irony that veterans, who have served their country on the battlefield, who have been entrusted with our national security and have been provided firearms by their very government, are the same people the NICS Improvement Act harmed by taking away their second amendment rights, all without a hearing or formal adjudication.

We honored and celebrated Veterans Day last Friday. Yet, we are possibly going to be debating new legislation to restrict the second amendment rights of citizens without fixing the unintended consequences of our last major gun law, the NICS Improvement Act.

While the horrific events in Tucson are still fresh in our memories, as we discuss new gun control laws we also need to move forward on bipartisan legislation, such as the Veterans Second Amendment Protection Act, introduced by a bipartisan couple, Senator BURR and Senator WEBB. This bill would fix the unintended consequences to thousands of veterans caused by the NICS Improvement Act.

A hearing we had this week offered me an opportunity to discuss illegal firearms tracking and the government's efforts to stop it. At the forefront of this is the Department of Justice's failed operation called Fast and Furious, where the ATF knowingly allowed illegal purchasers to buy guns. The more we learned about Fast and Furious, the more we have discovered that senior Justice Department officials knew or should have known about these nearly 2,000 guns ending up in the hands of criminals, including the drug cartels in Mexico.

At the first House oversight hearing on Operation Fast and Furious, multiple ATF agents testified that fear spread through the Phoenix field division every time there was news of a major shooting event. So that brings us back to the tragedy for Congresswoman GIFFORDS.

Specifically with regard to the Congresswoman's shooting one agent said:

> There was a state of panic, like, . . . let's hope this is not a weapon from that case.

And ''that case'' was the Fast and Furious case, where our government decided to encourage licensed gun dealers to illegally sell guns to straw purchasers with the idea that we would follow them across the border. But there wasn't any following. So it was an effort doomed to failure in the first place. The Fast and Furious operation was failed in concept, in design, and in execution.

As the Attorney General said last week, before our Judiciary Committee: It should never have happened. And the Justice Department officials who knew about this program, including those who allowed false statements to Congress, need to be held accountable.

I thought it was fitting that late last week, Attorney General Holder finally wrote to the family of Agent Terry, the person who was murdered with two of these Fast and Furious guns found at the murder scene. This is the very same Attorney General who had an opportunity to apologize to the Terry family when he was asked by Senator CORNYN, Have you apologized to the Terry family? The Attorney General said, No. He said, Would you like to apologize now? That is what Senator CORNYN asked him. He gave an answer, but it wasn't an apology. So we have a letter late last week going to the Terry family. In his letter, he stated he was sorry for their loss, although he refused to take responsibility for the Department's role in Agent Terry's death.

At the root, then, of Fast and Furious—and a lot of rhetoric surrounding gun control legislation—have been the gun trafficking statistics provided by ATF. These unclear statistics have fueled the debate and contributed to undertaking such a reckless operation as Fast and Furious.

For example, in 2009, both President Obama and Secretary of State Clinton stated that 90 percent of the guns in Mexico were from the United States. But that statistic later changed to 90 percent of the guns that Mexico submitted for tracing to the ATF were from this country. This year, that number has become 70 percent of the guns submitted by the Mexican Government for tracing were from the United States. All the different percentages beg the question, what are the real numbers?

Articles discussing the 70-percent number misrepresent the facts, as I pointed out in a letter to then-ATF Acting Director Melson in June of this year.

First, there are tens of thousands of guns confiscated at crime scenes annually in Mexico. The Associated Press stated that in 2009, over 305,424 confiscated weapons were locked in vaults in Mexico. However, the ATF has acknowledged to my staff, in a briefing on July 29, 2011, that ATF does not have access to the vault in Mexico described in that story.

ATF also acknowledges that only a portion of the guns recovered in Mexico are actually submitted to the United States for tracing. In a November 8, 2011 court filing, the chief of ATF's firearms operation division made a declaration saying—now, remember, this is in a court filing:

> It is important to note, however, that ATF's eTrace data is based only on gun trace requests actually submitted to the ATF by law enforcement officials in Mexico, and not on all of the guns seized in Mexico.

That court filing further states that:

> In 2008, of the approximately 30,000 firearms that the Mexican Attorney General's Office informed ATF that it had seized, only 7,200, or one quarter, of those firearms were submitted to ATF for tracing.

So if Mexico submits only 25 percent of the guns for tracing, then the statistics could be grossly inaccurate one way or the other.

The discrepancies in the numbers do not stop there. ATF also informed my staff that the eTrace-based statistics could vary drastically by a single word's definition.

We have an example of different definitions. The 70-percent number was generated using a definition of U.S.-sourced firearms. That happens to include guns manufactured in the United States or imported through the United States. Thus, the 70-percent number does not mean that all guns were purchased at a U.S. gun dealer and then smuggled across the border; it could simply mean that the firearm was manufactured in the United States.

So when my staff asked ATF, how many guns traced in 2009 and 2010 were traced to U.S. gun dealers, the numbers were quite shocking in comparison to the statistics we previously heard. For 2009, of the 21,313 guns recovered in Mexico and submitted to tracing, only 5,444 were sourced to a U.S. gun dealer. That is around 25 percent.

For 2010, of the 7,971 guns recovered in Mexico submitted for tracing, only 2,945 were sourced to a U.S. gun dealer. That is only 37 percent, a far cry from 70 percent or 90 percent that we have been hearing over a long period of time, not to mention that the guns in 2009 and 2010 from gun dealers could include some of the nearly 2,000 firearms that were walked as part of our own Justice Department's Operation Fast and Furious.

We need clearer data from ATF and from Mexico. Mexico needs to open the gun vaults and allow more guns to be traced, not just the ones the Mexican Government selects. We need to know if military arsenals are being pilfered as a source—as media articles have claimed the State Department points to in diplomatic cables.

When it comes to the diplomatic cables, I sent a letter to—actually it was yesterday—Secretary of State Clinton seeking all diplomatic cables discussing the source of arms from Mexico, Central America, and South America. I believe this information is relevant to Congress, given that I discovered in a July 2010 cable, as part of my Fast and Furious investigation, that cable titled, ''Mexico Weapons Trafficking—The Blame Game,'' seeks to dispel myths about weapons trafficking. Among other things, the State Department authors discussed what they perceived as ''Myth: An Iron Highway of Weapons Flows from the U.S.''

These cables are vitally important to Congress's understanding of the problem. Further, given that they appear in documents that ATF submitted to Congress as part of Fast and Furious, there should be no reason for the State Department to withhold them as part of our legitimate oversight, even if they are classified.

There is a lot more to be said about the specific problems with the legislation that might be coming before the Judiciary Committee as a result of Congresswoman GIFFORDS' tragedy. We have to ask a lot of questions to flush out some of these serious problems. We don't want to happen in this legislation what happened in the NICS Improvement Act when 114,000 veterans were denied their second-amendment rights and, consequently, avoid these unintended consequences. We should not be legislating away any constitutional rights people have under the second amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MEDICARE

Mr. WHITEHOUSE. Mr. President, I am not going to speak very long tonight, and I am not going to speak very formally either. But I did want to come back to the Senate floor and make a point again that I have made repeatedly here on the Senate floor before; that is, there is a path to reform of our health care system that will improve the quality of care for patients, will improve the experience of care for patients, will improve the outcomes of care for patients and for our Nation, and will lower costs for our country.

The reason I come to raise that point again is that the Senate is now awash with rumors that the 12 Members of Congress—Senators and Congressmen—who have been tasked with trying to create a solution to our deficit problem are going to cut Medicare benefits by hundreds of millions of dollars. That is, as best I can tell, only a rumor. I certainly cannot vouch for it being true. Indeed, I hope it is not true.

The time I wish to spend this evening is to remind my colleagues it is a very unfortunate and mistaken path to take to follow the road of benefit cuts at a time when the road to reform is so promising in terms of the win-win of better care at lower cost.

It is not just me saying this. The President's Council of Economic Advisers has said the annual savings that could be accomplished with health care delivery system reform, without reducing anybody's quality of care or access to care—indeed, I would hypothesize actually improving quality of care—is $700 billion a year in the American health care system.

The President's Council of Economic Advisers is not alone in that opinion. The Institute of Medicine has just said it is around $770 billion a year. A few years back, the New England Healthcare Institute said it was $850 billion a year. And the Lewin Group, which is a fairly well respected health care consultancy here in Washington, as well as George Bush's Treasury Secretary, Secretary O'Neill, have both agreed annual savings could be $1 trillion a year—all by improving the quality of care and the coordination of care.

I do not know if it is exactly going to be $700 billion or $1 trillion, but my point is, there is a big savings target out there that everyone from President Obama's Council of Economic Advisers, to George Bush's Treasury Secretary, to a lot of very well thought of groups in between, including our National Institute of Medicine, all agree on. So I think that makes it a very important target to pursue in this discussion.

It is not just me in believing, at this potential split in the road, we should work and fight very hard to make sure we are taking the right path and we do

not go down the easy-to-score but unnecessary and unhelpful path of benefit cuts, which singles out seniors in Medicare and does nothing about the underlying costs of the system and makes it the wrong road to follow when we have a well illuminated path that can move us toward a better, more efficient delivery system that provides better quality health care, better outcomes, fewer hospital-acquired infections, better coordinated care, stronger electronic health records—all of the things that will support a truly modern health care system that can be the envy of the world.

That is the choice we have. I think it would be a terrible mistake to go the benefit cuts route instead of the reform route, and it is not just me who says that. George Halvorson is the chief executive officer, the CEO, of Kaiser Permanente. Kaiser Permanente is one of the biggest health care systems in the country. It provides health care in many States, and George Halvorson is a very serious individual who knows his stuff in health care. He would not be the CEO of that big company if he did not.

Here is what he said the other day:

> There are people right now who want to cut benefits and ration care and have that be the avenue to cost reduction in this country. And that's wrong. It's so wrong, it's almost criminal. It's an inept way of thinking about health care.

That is not me. That is the CEO of Kaiser Permanente.

> There are people right now who want to cut benefits and ration care and have that be the avenue to cost reduction in this country and that's wrong. It's so wrong, it's almost criminal. It's an inept way of thinking about health care.

Yet that is the direction that it looks like we may be taking, the inept direction. I had a hearing in the HELP Committee—the Presiding Officer, Senator BENNET of Colorado, is a member of that HELP Committee—and we had some very interesting witnesses. Because the path toward savings through reform is not just a HELP Committee path, this is not something that some academic has constructed and maybe if you take that path things will work, this is a path that major corporations, major health systems, major hospitals in this country are already walking. They are already walking down that path.

Kaiser is one of them. Blue Shield of California is another. Intermountain out in the West is a third. Mayo, Geisinger, Gundersen Lutheran—there are a number along the East Coast. These are companies that have determined this is the right path, and they are walking that path.

Two folks were there from such companies. One was Dr. Gary Kaplan, who is at the Virginia Mason health system in Seattle, WA. Despite its name, Virginia Mason, it is actually in Seattle, WA, on the other coast. He pointed out that they went through a quality management transformation in their hospital with a cultural transformation, with a process transformation.

As a result, they have made significant improvements. Just in one back pain reform process they did with 2,000 patients, they calculated they have already saved $1.7 million on 2,000 back pain patients, and those patients are happier with the new regime, the less-expensive regime, than before because they are getting better quality care.

He testified they saved $11 million in planned capital investment, reduced inventory costs by $2 million through supply chain expense reductions, reduced staff walking distance by 60 miles per day, reduced labor expenses and overtime and temporary labor by half a million dollars in just 1 year, reduced professional liability insurance premiums by 56 percent, reduced their self-insured retention fund by 70 percent, reduced the time it takes to report lab tests by more than 85 percent, and improved their medication distribution, reducing errors, reducing the time when a patient first calls Virginia Mason's breast clinic with a concern to the time they receive a diagnosis from 21 days to 3 days, and many patients receive their results on the same day.

These are the kind of improvements that have put Virginia Mason at the front end and make them, according to the Leapfrog Group, one of the top hospitals in the country. They are walking the walk of improving the quality of their operations, improving the quality of care and saving money by doing so.

The other witness was Greg Poulsen from Intermountain. He described two examples. One was a sepsis program for people who are admitted to the hospital suffering from sepsis throughout their system. Sepsis is a dangerous condition. Sepsis, on average, has a 40-percent mortality rate. So 4 out of 10 people with sepsis die of it. They have reduced the 40-percent mortality rate from sepsis to 5 percent—from 4 in 10 dying to 1 in 20 dying. Did it cost a lot of money to do that? Was that a big investment they had to make? Did it cost the taxpayers a lot to save those lives? No. What they found is they saved $10 million with that improvement.

Similarly, they have a diabetes program that has been described by the former CEO of the Mayo Clinic as the diabetes program he would go to if he were sick with diabetes that has ''the best outcomes and lowest costs in the country.''

They saved $5 million a year on diabetes treatment by going to better health care providing. There is a problem, as he pointed out. That $10 million they saved is actually a revenue loss. Because when they saved money by not having unnecessary care, by not having complications, by having things be more efficient and streamlined, what they did was they reduced their billing to the insurance companies, and it is actually the insurance companies, it is the payers who saved the $10 million.

What the providers spend is a revenue loss. So we have our system upside down in that respect, and that is one of the ways we need to reform our system. A third witness who was there was a Rhode Islander. His name is Chris Koller. We have a unique office in Rhode Island, an office of health insurance commissioner. He is the only health commissioner in the country. Also, I tease him that he is the tallest insurance commissioner because he is unusually tall, but that is easy because he is the only one.

But he has done a very good job of bringing our hospitals and insurance companies together to try to focus on the ways we can deliver care better. One way is through prevention and primary care. It turned out that in Rhode Island, the amount of every health care dollar that was spent on primary care was 5.9 percent. So every $1 spent on health care in Rhode Island, less than 6 cents, went to primary care, went to your regular family doctor and the basic health care providers. Less than 6 cents out of every $1.

The insurance companies have more overhead than that, administering the system. The costs of administration of the health care system is more than the primary care providers get out of the system. That is another sign that the system is upside down. He is encouraging them, and they have agreed, to step up the spending on primary care by 1 percent a year for 5 years. We believe that is going to make a very substantial cost savings because there is so much that a primary care provider can handle without having to go to a specialist, without having to go to the emergency room, without the condition getting worse because they could not find you, by simply making primary care more accessible and more available.

So the additional expense for primary care should bring down system costs overall and having it designed more intelligently.

I will close with a few words from the witness, Dr. Kaplan, who said that through the work they have been doing on reform and efficiency, he said: ''We have demonstrated that the path to higher quality, safer care is the same path to lower costs.''

He actually said that if we could get more transparency to the system about who is doing a better job and who is not, what the outcomes are for different hospitals, that basically where we are right now in the delivery system reform provisions that were in the Accountable Care Act, he described them as one of the last chances of a market-based system.

This is somebody who is in this business all the time and is actually running a hospital that is actually producing results. This is a person who is steeped in the reality of health care, and contrary to what we hear in the cartoon version that infects Washington, where ObamaCare is socialized medicine and is a step away from market-based care, this practitioner says the potential of the Accountable Care

Act, as I see it, is one of the last chances of a market-based system.

It could actually lead to a market, whether it was Medicare and Medicare Advantage as parts of Medicare or the commercial sector, that we would actually be able to understand what we are buying and what we are paying for.

That is the kind of commonsense transformation we need. You remember, Dr. Kaplan said: We have demonstrated the path to higher quality, safer care is the same path to lower costs.

Gary Paulsen, Intermountain, and other organizations have shown that improving quality is compatible with lowering costs. Indeed, high-quality care is generally less expensive than substandard care, and the primary challenge for us and the main reason more organizations do not adopt the high-value model discussed in the hearing that we held is the underlying fee-for-service payment system which predominates, of course, in the United States. We pay doctors for doing more, not for doing better. We pay doctors for doing more things to you rather than getting you well.

Because we do that, we have the results we have. When you look at that mess, you can say, OK, we are going to leave all that alone. We are not going to follow the path that Intermountain, that Gundersen, Lutheran, that Virginia Mason has proven, that Kaiser has argued for and proven, that so many systems around the country are doing, you can say, we are going to forget all that. We are going to leave it in place. We are going to leave it a mess, and we are just going to cut benefits away from seniors, from our elderly, from the people who need care the most, from the people who paid into the system, from the people who do not have a chance to recover, very often from people who are not in a position to direct their own care and make effective choices if they are the very elderly on Medicare or worse, the Medicare-Medicaid dual eligibles.

We are going to go after those people. We are going to cut their benefits, and we are not going to take the trouble to follow the path the professionals who are doing this are already showing is a path that leads to saving, is a path that leads to a better health care system, is a path that leads us out of the difficult position of being the only country in the world that spends 18 percent of our GDP on health care, of being the most inefficient country in the world in health care by a 50-percent margin. The next closest country in terms of inefficiency in health care is about 12 percent of GDP. We are at 18. Why is it necessary that America has to be the most inefficient health care provider in the world of all the countries we compete with by a factor of nearly 50 percent? That is half again worse than the most inefficient competitor we face. It makes no sense to be in that position.

There is enormous room for improvement. The path to that improvement is clear. It is already being walked by serious and responsible institutions that have set this as their corporate goal. That is where we should go. I will close again by repeating George Halvorson's exhortation. He is one of the great health care leaders in this country. He is a savvy corporate manager. He runs an enormous health care corporation. This is not an idle opinion of his.

There are people right now who want to cut benefits and ration care and have that be the avenue to cost reduction in this country and that's wrong. It's so wrong, it's almost criminal. It's an inept way of thinking about health care.

Those are CEO George Halvorson's words, not mine.

I hope that they ring through this body and we don't make the mistaken decision to go after Medicare benefits and instead take the positive path of reform and improvement.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NATIONAL FAMILY CAREGIVER MONTH

CARE & COMFORT

Ms. SNOWE. Mr. President, November marks National Family Caregiver Month, a chance to thank those who provide care for our loved ones in their time of need. According to the most recent census data, my home State of Maine has the oldest population in the United States, and therefore I am acutely aware of the tremendous role wonderful, compassionate individuals play as caregivers. Today I rise to commend and recognize Care & Comfort, a small business that successfully helps to fill the need for high-quality health care professionals in Maine.

Care & Comfort, headquartered in the central Maine city of Waterville, specializes in care for elderly and special needs individuals. Within their home health division, Care & Comfort provides nursing services, caring companions, in-home care, and long-term care. Throughout various other divisions, the company offers outpatient therapy, behavioral health and community support services, children's case management service, home and community support services for children, adult community support, and home modifications. As a company which strives ''to provide the best possible care to clients and families across Maine,'' Care & Comfort not only helps its clients through its high quality customer service, it also serves as a community resource on health care for the entire Maine community.

In 1991, Susan Giguere started Care & Comfort with just two employees after realizing the lack of home health solutions in Maine following her mother's illness. In order to expand her business, Susan applied for and received guaranteed loans from the Small Business Administration, SBA. The first loan Susan obtained was for $100,000 in 1996, and the second for just over $330,000 in 2000. These loans allowed her company to grow from two employees to 475 staff members. As a result, this August Care & Comfort was named to the SBA 100 list, which features 100 small businesses that have created at least 100 jobs since receiving SBA assistance. This honor is richly deserved, as the company has vividly demonstrated the tenacity and strength found in so many of our Nation's small businesses in these challenging economic times.

Care & Comfort now helps 890 home health and 748 mental health clients out of five regional offices located across the State. Furthermore, this small business goes above and beyond the call of duty to routinely give back to the community through volunteer efforts and charitable donations. Their hard work, along with exceptional staff, has led to several accolades for the company including awards from the SBA, two Fleet Bank Awards for Community Service, and an award from Kennebec Valley Community College.

Care & Comfort has assisted many families through difficult times. Therefore, it is only fitting that we celebrate this firm's successes, as they have simultaneously helped support our loved ones and created numerous jobs throughout Maine. I am proud to extend my congratulations to Susan Giguere and everyone at Care & Comfort for their tremendous efforts and offer my best wishes for continued success.

REMEMBERING EMORY FOLMAR

Mr. SHELBY. Mr. President, today I wish to pay tribute to Mr. Emory McCord Folmar, who passed away on Friday, November 11, 2011. Emory lived a life dedicated to service to his country, holding many military and civic leadership roles, and was a true inspiration to many. I am glad to have known such a remarkable individual and fellow public servant.

Emory Folmar was born on June 3, 1930, in Troy, AL. He graduated from the University of Alabama with his B.S. in business and was a member of Sigma Alpha Epsilon fraternity. Emory's career in the military began at the University of Alabama as well. During his college years he served as a cadet colonel of the Army ROTC. Upon graduating, Emory attended parachute training and instructors' schools and was assigned to the 11th Airborne Division of the 2nd Infantry Division of the Army. During his years of service in the military, Emory received the Silver Star, the Bronze Star, and the Purple Heart during his service in the Koren war. He was a brave defender of

the United States of America and continued his dedication to the military throughout his career as a public servant.

In 1954, Emory moved to Montgomery, AL, where he began a successful construction business with his brother, James Folmar and Henry Flynn. His political career began in 1975 as president of the City Council District 8, and then he served as mayor of Montgomery from 1977 to 1999. As mayor, Emory made great strides in developing the downtown area and improving Montomgery's infrastructure. Staying true to his military roots, Emory worked hard for the wellbeing of Maxwell and Gunter Air Force Bases, which are vital to our national security and to Alabama's economy.

Additionally, Emory worked on the Presidential campaigns of Ronald Reagan and George H.W. Bush and ran for Governor of the State of Alabama in 1982. He has earned the respect and admiration of his colleagues, who have referred to him as the ''grandfather of the State's modern Republican Party.''

Emory is loved and will be missed by his wife, Anita Pierce Folmar, two children, Wilson Bibb Folmar III and Margaret Folmar Dauber, and many more family members and friends. My thoughts and prayers are with them as they mourn the death of a wonderful husband, father, friend, community leader. He was a role model to many, and the citizens of Alabama and of Montgomery are very fortunate to have benefited from his commitment to public service as mayor for 22 years.

FURTHER REVISIONS TO THE ALLOCATION PROVIDED FOR FISCAL YEAR 2012 TO THE COMMITTEE ON APPROPRIATIONS AND THE BUDGETARY AGGREGATES FOR FISCAL YEAR 2012

Mr. CONRAD. Mr. President, I previously filed committee allocations and budgetary aggregates pursuant to section 106 of the Budget Control Act of 2011. Today, I am further adjusting some of those levels, specifically the allocation to the Committee on Appropriations for fiscal year 2012 and the budgetary aggregates for fiscal year 2012.

Section 101 of the Budget Control Act allows for various adjustments to the statutory limits on discretionary spending, while section 106(d) allows the Chairman of the Budget Committee to make revisions to allocations, aggregates, and levels consistent with those adjustments. The Senate will be considering the conference report to H.R. 2112, the Consolidated and Further Continuing Appropriations Act of 2012. That conference report includes funding designated for disaster relief. In total, the amount of such designations is lower than amounts passed by the Senate earlier this month. Consequently, I am lowering adjustments made previously to the allocation to the Committee on Appropriations and to the aggregates by a total of $847 million in budget authority and $79 million in outlays.

I ask unanimous consent that the following tables detailing the changes to the allocation to the Committee on Appropriations and the budgetary aggregates be printed in the RECORD.

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

BUDGETARY AGGREGATES

[Pursuant to section 106(b)(1)(C) of the Budget Control Act of 2011 and section 311 of the Congressional Budget Act of 1974]

$s in millions–	2011–	2012
Current Spending Aggregates:—		
Budget Authority–	3,070,885–	2,984,245
Outlays–	3,161,974–	3,047,268
Adjustments:—		
Budget Authority–	0–	−847
Outlays–	0–	−79
Revised Spending Aggregates:—		
Budget Authority–	3,070,885–	2,983,398
Outlays–	3,161,974–	3,047,189

FURTHER REVISIONS TO THE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS

[Pursuant to section 106 of the Budget Control Act of 2011 and section 302 of the Congressional Budget Act of 1974]

$s in millions–	Current allocation/limit	Adjustment–	Revised allocation/limit
Fiscal Year 2011:——			
General Purpose Discretionary Budget Authority—	1,211,141–	0–	1,211,141
General Purpose Discretionary Outlays—	1,391,055–	0–	1,391,055
Fiscal Year 2012:——			
Security Discretionary Budget Authority—	814,744–	0–	814,744
Nonsecurity Discretionary Budget Authority—	364,281–	−847–	363,434
General Purpose Discretionary Outlays—	1,328,004–	−79–	1,327,925

DETAIL ON ADJUSTMENTS TO FISCAL YEAR 2012 ALLOCATIONS TO COMMITTEE ON APPROPRIATIONS

[Pursuant to section 106 of the Budget Control Act of 2011]

$s in billions–	Program integrity	Disaster relief	Emergency–	Overseas contingency operations	Total
H.R. 2112, the Consolidated Appropriations and Further Continuing Appropriations Act, 2012 (Conference Report):———					
Budget Authority–	0.000–	−0.847–	0.000–	0.000——	−0.847
–					
Outlays–	0.000–	−0.079–	0.000–	0.000–	−0.079
Memorandum 1: Breakdown of Above Adjustments by Category:———					
Security Budget Authority–	0.000—	0.000–	0.000–	0.000–	0.000
Nonsecurity Budget Authority–	0.000–	−0.847–	0.000–	0.000–	−0.847
General Purpose Outlays–	0.000–	−0.079–	0.000–	0.000–	−0.079
Memorandum 2: Cumulative Adjustments (Includes Previously Filed Adjustments):———					
Budget Authority–	0.893–	7.741–	0.000–	126.544–	135.178
Outlays–	0.774–	1.590–	−0.007–	63.568–	65.925

MESSAGE FROM THE HOUSE

At 3:26 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 bill, in which it requests the concurrence of the Senate:

H.R. 2838. An act to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes.

MEASURES REFERRED

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

H.R. 2838. An act to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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–3949. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nectarines and Fresh Peaches Grown in California; Termination of Marketing Order 916 and the Peach Provisions of Marketing Order 917'' (Docket No. AMS–FV–11–0018; FV11–916/917–4 FR) received in the Office of the President of the Senate on November 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3950. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Christmas Tree Promotion, Research, and Information Order'' (Docket No. AMS–FV–10–0008–FR–1A) received in the Office of the President of the Senate on November 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3951. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Christmas Tree Promotion, Research, and Information Order, Referendum Procedures'' (Docket No. AMS–FV–10–0008–FR) received in the Office of the President of the Senate on November 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3952. A communication from the Acting Administrator of the Cotton and Tobacco Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports; Corrections'' (Docket No. AMS–CN–11–0026C; CN–11–002) received in the Office of the President of the Senate on November 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3953. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Office of Management and Budget's report of the estimated cost of assets purchased under the Emergency Economic Stabilization Act of 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–3954. A communication from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the Administration's Annual Report for fiscal year 2011; to the Committee on Energy and Natural Resources.

EC–3955. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled ''Proposed Outer Continental Shelf (OCS) Oil and Gas Leasing Program 2012–2017''; to the Committee on Energy and Natural Resources.

EC–3956. A communication from the Commissioner, Social Security Administration, transmitting, a legislative proposal relative to requiring participation in the Enumeration at Birth (EAB) program; to the Committee on Finance.

EC–3957. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Head Start Designation Renewal System'' (RIN0970–AC44) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–3958. A communication from the Secretary of Labor, transmitting, pursuant to law, the Pension Benefit Guaranty Corporation's Office of Inspector General and the Director's Semiannual Report to Congress on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3959. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''NARA Records Reproduction Fees'' (RIN3095–AB71) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3960. A communication from the Inspector General of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Inspector General's Semiannual Report to Congress for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3961. A communication from the Inspector General, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the Commission's Commercial and Inherently Governmental Activities for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3962. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Department of Defense (DoD) Agency Financial Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3963. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report relative to the activities and operations of the Public Integrity Section, Criminal Division, and the nationwide federal law enforcement effort against public corruption for 2010; to the Committee on the Judiciary.

EC–3964. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fee for Filing a Patent Application Other than by the Electronic Filing System'' (RIN0651–AC64) received in the Office of the President of the Senate on November 13, 2011; to the Committee on the Judiciary.

EC–3965. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice before the Board of Patent Appeals and Interferences in Ex Parte Appeals'' (RIN0651–AC37) received in the Office of the President of the Senate on November 13, 2011; to the Committee on the Judiciary.

EC–3966. A communication from the Principal Deputy Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the Federal Voting Assistance Program's 2010 Post-Election Survey Report; to the Committee on Rules and Administration.

EC–3967. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11–098, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–3968. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11–081, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–3969. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11–042, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–3970. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed retransfer of major defense equipment involving the retransfer of four (4) C–27J1 Spartan Aircraft from Alenia Aeronautica S.p.A. to the Government of Mexico in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–3971. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of defense articles, including, technical data, and defense services to the United Kingdom for the manufacture and assembly related to the Phalanx Close-In Weapon Systems and Land Based Phalanx Weapon Systems in the amount of $25,000,000 or more; to the Committee on Foreign Relations.

EC–3972. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to proposed amendments to parts 120, 123, 124, 126, 127, and 129 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BROWN of Ohio (for himself, Ms. MIKULSKI, and Mr. MERKLEY):

S. 1876. A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act; to the Committee on Finance.

By Mr. CASEY (for himself and Mrs. BOXER):

S. 1877. A bill to amend the Child Abuse Prevention and Treatment Act to require mandatory reporting of incidents of child abuse or neglect, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 1878. A bill to assist low-income individuals in obtaining recommended dental care; to the Committee on Finance.

By Mr. MENENDEZ:

S. 1879. A bill to ensure that States have enacted criminal statutes that require individuals to report child abuse to law enforcement or child protective agencies; to the Committee on Finance.

By Mr. BARRASSO (for himself, Mr. HATCH, and Ms. SNOWE):

S. 1880. A bill to repeal the health care law's job-killing health insurance tax; to the Committee on Finance.

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

S. 1881. A bill to establish an integrated Federal program to respond to ongoing and expected impacts of climate variability and change by protecting, restoring, and conserving the natural resources of the United States and to maximize government efficiency and reduce costs, in cooperation with State, local, and tribal governments and other entities; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself, Mr. VITTER, Mr. MERKLEY, and Mr. BROWN of Ohio):

S. 1882. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that valid generic drugs may enter the market; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. KERRY (for himself, Mr. LUGAR, Mr. INHOFE, and Mr. WEBB):

S. Res. 324. A resolution commemorating the 60th Anniversary of the United States-Australia alliance; considered and agreed to.

By Mr. PORTMAN (for himself and Mr. BROWN of Ohio):

S. Res. 325. A resolution recognizing the 2012 World Choir Games in Cincinnati, Ohio, as a global event of cultural significance to the United States and expressing support for designation of July 2012 as World Choir

Games Month in the United States; to the Committee on Foreign Relations.

By Mr. HATCH (for himself, Mr. BROWN of Ohio, Mr. CRAPO, Mr. LEAHY, Mr. LUGAR, and Mr. UDALL of New Mexico):

S. Res. 326. A resolution designating Thursday, November 17, 2011, as ''Feed America Day''; considered and agreed to.

By Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. BEGICH, Mr. CONRAD, Mr. KIRK, Ms. KLOBUCHAR, Mr. JOHNSON of South Dakota, Mr. AKAKA, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. Res. 327. A resolution supporting the goals and ideals of American Diabetes Month; considered and agreed to.

By Mrs. SHAHEEN (for herself and Mr. MORAN):

S. Res. 328. A resolution designating the week of November 14 through 20, 2011, as ''Global Entrepreneurship Week/USA''; considered and agreed to.

By Mr. AKAKA (for himself, Mr. REID, Mr. BARRASSO, Ms. CANTWELL, Mr. CRAPO, Mr. FRANKEN, Mr. INOUYE, Mr. JOHANNS, Mr. JOHNSON of South Dakota, Ms. MURKOWSKI, Mr. TESTER, and Mr. UDALL of New Mexico):

S. Res. 329. A resolution recognizing National Native American Heritage Month and celebrating the heritages and cultures of Native Americans and the contributions of Native Americans to the United States; considered and agreed to.

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

S. Res. 330. A resolution designating January 27, 2012, as a national day of remembrance for Americans who, during the Cold War, worked and lived downwind from nuclear testing sites and were adversely affected by the radiation exposure generated by the above ground nuclear weapons testing; considered and agreed to.

By Mr. KIRK (for himself, Mr. MANCHIN, Mr. BEGICH, Mr. CONRAD, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. LIEBERMAN, and Mr. WARNER):

S. Res. 331. A resolution expressing the sense of the Senate that Congress should ''Go Big'' in its attempts toward deficit reduction; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 481

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 481, a bill to enhance and further research into the prevention and treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes.

S. 497

At the request of Ms. MIKULSKI, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 497, a bill to amend the Immigration and Nationality Act to modify the requirements of the visa waiver program and for other purposes.

S. 687

At the request of Mr. CONRAD, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 755

At the request of Mr. WYDEN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 755, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due.

S. 1034

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1034, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1106

At the request of Mr. KOHL, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1106, a bill to authorize Department of Defense support for programs on pro bono legal assistance for members of the Armed Forces.

S. 1176

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1176, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 1251

At the request of Mr. CARPER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1251, a bill to amend title XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1268

At the request of Mr. LUGAR, his name was added as a cosponsor of S. 1268, a bill to increase the efficiency and effectiveness of the Government by providing for greater interagency experience among national security and homeland security personnel through the development of a national security and homeland security human capital strategy and interagency rotational service by employees, and for other purposes.

S. 1335

At the request of Mr. INHOFE, the names of the Senator from Montana (Mr. TESTER), the Senator from Colorado (Mr. UDALL), the Senator from Delaware (Mr. CARPER), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1374

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1374, a bill to direct the Federal Trade Commission to prescribe rules prohibiting deceptive advertising of abortion services.

S. 1610

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 1610, a bill to provide additional time for the Administrator of the Environmental Protection Agency to promulgate achievable standards for cement manufacturing facilities, and for other purposes.

At the request of Mr. BARRASSO, the names of the Senator from Louisiana (Mr. VITTER), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. WICKER), the Senator from Idaho (Mr. RISCH), the Senator from Kansas (Mr. MORAN), the Senator from Kansas (Mr. ROBERTS) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1610, supra.

S. 1676

At the request of Mr. THUNE, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1676, a bill to amend the Internal Revenue Code of 1986 to provide for taxpayers making donations with their returns of income tax to the Federal Government to pay down the public debt.

S. 1756

At the request of Mrs. HAGAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1756, a bill to extend HUBZone designations by 3 years, and for other purposes.

S. 1770

At the request of Mrs. GILLIBRAND, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Oregon (Mr. MERKLEY) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1770, a bill to prohibit discrimination in adoption or foster case placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or foster parent, or the sexual orientation or gender identity of the child involved.

S. 1838

At the request of Mr. BAUCUS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1838, a bill to require the Secretary of Veterans Affairs to carry out a pilot program on service dog training therapy, and for other purposes.

S. 1853

At the request of Mr. SANDERS, the name of the Senator from New Mexico

(Mr. UDALL) was added as a cosponsor of S. 1853, a bill to recalculate and restore retirement annuity obligations of the United States Postal Service, eliminate the requirement that the United States Postal Service pre-fund the Postal Service Retiree Health Benefits Fund, place restrictions on the closure of postal facilities, create incentives for innovation for the United States Postal Service, to maintain levels of postal service, and for other purposes.

S. 1856

At the request of Mr. DEMINT, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 1856, a bill to prohibit Federal funding for lawsuits seeking to invalidate specific State laws that support the enforcement of Federal immigration laws.

S. 1862

At the request of Mr. LAUTENBERG, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1862, a bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1866

At the request of Mr. COONS, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 1866, a bill to provide incentives for economic growth, and for other purposes.

S. 1868

At the request of Mr. MENENDEZ, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 1868, a bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes.

S. RES. 297

At the request of Mr. MENENDEZ, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. Res. 297, a resolution congratulating the Corporation for Supportive Housing on the 20th anniversary of its founding.

S. RES. 301

At the request of Mr. CASEY, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. Res. 301, a resolution urging the people of the United States to observe October 2011 as Italian and Italian-American Heritage Month.

S. RES. 302

At the request of Ms. LANDRIEU, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. Res. 302, a resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

AMENDMENT NO. 939

At the request of Mr. BARRASSO, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 939 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 975

At the request of Mr. BLUNT, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of amendment No. 975 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 976

At the request of Mr. BLUNT, the names of the Senator from North Dakota (Mr. HOEVEN) and the Senator from Nebraska (Mr. JOHANNS) were added as cosponsors of amendment No. 976 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 979

At the request of Mr. BEGICH, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of amendment No. 979 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 980

At the request of Mr. WEBB, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 980 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 1009

At the request of Mrs. HAGAN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 1009 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BARRASSO (for himself, Mr. HATCH, and Ms. SNOWE):

S. 1880. A bill repeal the health care law's job-killing health insurance tax; to the Committee on Finance.

Mr. HATCH. Mr. President, I want to thank my good friend from Wyoming, Senator BARRASSO, for his work on this and other issues related to the President's health law. He is a leading orthopedist, and I have nothing but respect for him. As a former medical liability defense lawyer defending doctors, nurses, hospitals, and other health care providers, I appreciate good doctors, and this is one good doctor. He and Dr. COBURN are two of the best people I have known and are a credit to their profession.

I thank him for his work on this and other issues related to the President's health care law. He has been tireless in his careful analysis and fair criticism of the health spending law, and I believe we are in agreement on that bill's fundamental flaw.

The President and his allies repeatedly promised that the health law would decrease costs. That is not going to happen. The so-called Affordable Care Act is going to, in fact, drive up the cost of coverage.

Among the biggest reasons for this inflationary impact are the taxes that will be imposed on the American people to pay for the lost $2.6 trillion in new spending. At the top of the list of senseless cost-increasing taxes is the law's tax on health insurance. It is not clear to me how the cost of health insurance will decrease by taxing it.

Many people probably don't even know this tax exists. Like most of the taxes in ObamaCare, its implementation was conveniently delayed until after the 2012 Presidential election. But this tax is coming. It is going to hurt employers and employees. It is going to be a drag on our economy, and it is going to depress wages.

I am glad to be standing here with Senator BARRASSO as we introduce the Jobs and Premium Protection Act, a bill that repeals this onerous and counterproductive tax on American workers and job creators. The President speaks about the need for Congress to do something about jobs. Well, we would go a long way toward creating the conditions for job growth by passing this legislation.

Unemployment in this country remains a full-blown crisis. Millions are out of work, and the 9-percent unemployment rate doesn't begin to capture the full extent of our jobs deficit. We need policies that will encourage businesses to invest and expand. Yet the health law's insurance tax does just the opposite. According to a recent analysis, in just the first 10 years, the insurance tax would impose $87 billion in costs on businesses and their employees. Revenue that could be spent on higher wages, new hires, and capital investment—increasing jobs and growing the economy—will instead go to pay this tax. And that is just the start. In the second decade, this tax will cost businesses and their employees $208 billion.

It is important to understand how this insurance tax will work. Starting in 2014, the health insurance companies will have to pay a tax based on their net premiums written in the fully insured market. This is the market where 87 percent of small businesses purchase their health insurance. It is the market where the self-employed and uninsured go to purchase insurance.

So who will pay this tax? Someone has to pay it. Contrary to the talking points that all too often come out of this administration, all of these new mandates and regulations are not free. Someone has to foot the bill. Ultimately, it will be those least able to afford it who are paying it. Primarily small businesses—and their employees—will be responsible for paying this tax. When the cost of coverage goes up due to this tax, employees will pay for it in lower wages or higher health care costs.

According to a recent study, the average employee with a family plan will see his or her take-home pay reduced by $5,000 over the next decade because of this tax. The American people should remember that statistic the next time they hear their liberal supporters of the health care law talk about wage stagnation or income inequality.

The costs of this tax will be felt by citizens even beyond those small businesses. The factories that lose orders because their customers' health care costs are going up will pay for this tax. Those searching for work will feel it too, because money that could go to new wages for new employees will instead go to pay for this tax and increased health care costs for existing employees.

This tax will hit wide swaths of the American economy, with millions of businesses and individuals impacted. A study by the National Federation of Independent Business shows this tax alone will lead to a loss of 125,000 to 249,000 jobs between now and 2021.

The legislation we are introducing today will help to reverse this trend. Ultimately, all of Obamacare must be repealed. I am fully committed to uprooting it in its entirety. It undermines our Constitution and it undermines personal liberty. It exacerbates the Nation's debt crisis by creating and expanding entitlement spending, and it also undermines our economy, destroying existing jobs and preventing the creation of new ones.

The people of Utah and people all over the United States need a jobs agenda. Repeal of the health insurance tax through the Jobs and Premium Protection Act we are introducing today would do much to address the scourge of unemployment and get our economy moving again.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, first, I wish to congratulate and thank my colleague, the senior Senator from Utah, Mr. HATCH, for his continued leadership on the issue of health care. As the ranking member of the Finance Committee, he has been a stalwart and strong supporter in efforts to get for the American people the health care they need, from the doctor they want, at a price they can afford, and amazing in his fight against what this body, what the House of Representatives, and what the President have forced onto people all across this country, which, to me, has been bad for patients, bad for the providers of those patients—the nurses and doctors who take care of them—and terrible for taxpayers.

That is why week after week I come to the floor to give a doctor's second opinion about the health care law, and why I am so pleased to be here with my colleague today to join in the introduction of this piece of legislation.

As people all around the country know—those who listened to the many speeches given during the debate on health care—the President and Democrats in Washington promised the American people this trillion dollar health care spending law would lower health insurance premiums. That is what the President promised, that health insurance premium costs would go down. Well, the American people have now had 19 months to review what is in the health care law, and they are finding that the President and the Washington Democrats sold them a bill of goods.

On September 27 of this year, the Kaiser Family Foundation issued its annual survey of employer-sponsored health insurance premiums. The report showed that employer-provided health insurance premiums rose—went up, not down—$1,303 for an average family last year alone. Remember—and we do—that the President repeatedly promised his health care law would reduce the average annual family premium by $2,500. Yet the exact opposite of what the President promised has occurred. The Kaiser Family Foundation report shows significant premium increases, not savings as the President promised.

Not only are premiums continuing to climb, but the President and Washington Democrats paid for their health care spending law by imposing billions of dollars in new taxes on American business and American consumers. Independent experts agree these taxes only serve to increase an individual, a family, or a small business's cost to buy medical coverage. Specifically, section 9010 of the health care law creates a new $60-plus billion tax on health insurance plans starting in 2014.

The health care law slaps this tax on all health insurance companies based on net premiums in what is called the fully insured market. This means the tax an insurance company must pay is equal to the percent of their market share. The larger the insurance company's market share, the higher their annual health insurance tax becomes. The aggregate tax in 2014 is $8 billion and climbs to $11.3 billion in 2015 and 2016, eventually reaching over $14 billion in 2018. After that, the law mandates the health insurance tax grow by premium inflation. More inflation, higher taxes.

Former Congressional Budget Office Director Douglas Holtz-Eakin released a study in March of this year estimating the health insurance tax could exceed $87 billion between 2014 and 2020. Some on the other side of the aisle want to message this tax as a ''health insurance fee.'' I would say to my friends all across this country, Do not be fooled. This new tax directly hits small business.

The Joint Committee on Taxation makes it clear the insurance tax will be borne by consumers in the form of higher prices, by owners of firms in the form of lower profits, by employees of those firms in the form of lower wages, or by other suppliers to the firms in the form of lower payments.

Remember, this tax only hits health insurance companies that sell their products in the fully insured market. As we have learned, and heard earlier on the Senate floor, 87 percent of small businesses buy their health insurance in this fully insured market.

The fully insured market is also the place that uninsured individuals and the self-employed go when they need to purchase medical insurance. Insurance companies selling plans to individuals and small businesses are the ones that are hit with the tax. The new tax doesn't hit large, self-insured businesses. Ultimately, uninsured individuals, small businesses, and their employees are the ones who are going to end up paying this unfair tax. This new punitive tax will add hundreds of dollars to family and small business insurance premiums every year.

The Wyoming Blue Cross Blue Shield Association tells me that a Wyoming family of four will see a premium increase because of this tax of over $300 in 2014. In 2018, that same Wyoming family of four will see over a $500 premium increase as a result of the tax. These premium increases will have been passed through to consumers as a direct result of this health care law's tax component—what the President and the Democrats in this body have foisted on the American public.

Additionally, the Holtz-Eakin March 2011 study proves the health insurance tax will raise premiums by as much as 3 percent or nearly $5,000 for a family of four over the next decade. What American family, I ask you, can afford to see their take-home pay reduced by $5,000 over the next decade thanks to the President's new tax. The Nation's unemployment rate stands at 9 percent. There are 14 million Americans, people across our country, unemployed and looking for work. Struggling American families cannot bear the brunt of President's Obama's new tax.

A recent study by the National Federation of Independent Business found this health insurance tax will force the

private sector to shed somewhere between 125,000 and 249,000 jobs between now and 2021. More than half of those losses will fall on the backs of small businesses.

Two million small businesses across this country cannot afford President Obama's new tax. Twenty-six million workers, who get their insurance through their employer, cannot afford President Obama's new tax. And the 12 million people who buy health insurance plans on their own in the individual market cannot afford President Obama's new tax. That is why today we introduce legislation called the Jobs and Premium Protection Act.

I introduced this bill along with my friend, the ranking member of the Senate Finance Committee, Senator HATCH. Our legislation is simple and straightforward. It eliminates the health care law's punitive tax on every individual, family, and small business that chooses to do the right thing and buy health insurance. Unbelievably, the health care law punishes individuals and punishes small businesses, the very two groups who find buying health insurance at an affordable price extremely challenging. Why would the Federal Government implement policies that make it harder by imposing a tax on the products these individuals buy?

Some must believe that insurers will simply be able to absorb the tax. Well, experts tell us that assumption is false. Here is what the nonpartisan Joint Committee on Taxation said in a letter to Senator JOHN KYL in June of this year:

> We expect a very large portion of the insurance industry fee to be passed forward to purchasers of insurance in the form of higher premiums.

A very large portion, they say. Then they go on to say:

> Eliminating this fee would decrease the average family premium in 2016 by $300 to $400.

Isn't that what we want, to lower the cost of insurance for individuals? This is the way to do it.

Finally, the Joint Committee on Taxation letter confirms the following:

> Repealing the health insurance industry fee would reduce the premium prices of plans offered by covered entities by 2 to 2½ percent.

This ill-conceived discriminatory tax must be eliminated. It must be stopped well before it starts to impact individuals, families, and small businesses. Our bill is a critical piece of pro-business legislation. It has the support of organizations such as the National Federation of Independent Business, the U.S. Chamber of Commerce, Blue Cross Blue Shield Association, and America's health insurance plans.

I urge colleagues on both sides of the aisle who are concerned about the cost of insurance for families of America, who are shocked and surprised, some in disbelief, that what the President promised the American people—of a reduction in premiums—isn't true, and who want to try to in a little way right that wrong to do so by cosponsoring and supporting the Jobs and Premium Protection Act.

I thank the Chair and the ranking member of the Senate Finance Committee, Senator HATCH—especially Senator HATCH—for his leadership and for joining me in introducing this legislation today. The time has come to eliminate a bad policy that not only increases health insurance costs but also negatively impacts America's job creators.

By Mr. BINGAMAN (for himself, Mr. VITTER, Mr. MERKLEY, and Mr. BROWN of Ohio.

S. 1882. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that valid generic drugs may enter the market; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today with Senators VITTER, MERKLEY, and BROWN of Ohio to introduce the Fair and Immediate Release of Generic Drugs Act of 2011. The FAIR GENERxICS Act is an important step in addressing the root cause of the growing cost of healthcare—the delay of generic drugs entering the market. This legislation has broad support from consumer advocates, the generics industry, and experts including: AARP, Apotex generics manufacturer, Families USA, U.S. PIRG, Consumers Union, Consumer Federation of America, Center for Medicare Advocacy, the National Legislative Association on Prescription Drug Prices, Alliance for Retired Americans, and Community Catalyst.

According to the Kaiser Family Foundation, prices for brand-name prescription drugs have continued to outpace inflation. Overall spending on prescription drugs also has increased sharply. In 2008 spending in the U.S. for prescription drugs was $234.1 billion, nearly 6 times the $40.3 billion spent in 1990. Generic drugs can be an important source of affordable prescription drugs for many Americans. On average, generic drugs are four times less expensive than name brand drugs.

Pay-for-delay patent settlements brand and generic pharmaceutical manufacturers, however, are delaying timely public access to generic drugs, which costs consumers and taxpayers billions of dollars annually. In 2010 the Federal Trade Commission reported 31 such settlements, a 60 percent increase since 2009, and in 2011 FTC reported 28 such settlements. Many experts and consumer advocates have called for legislation to address this problem and ensure access to affordable medicines for all Americans.

The FAIR GENERxICS Act of 2011 addresses the root cause of anti-competitive pay-for-delay settlements between brand and generic pharmaceutical manufacturers—the unintended, structural flaw in the Hatch-Waxman Act that allows "parked" exclusivities to block generic competition. By doing so, the legislation ensures consumers will benefit from full and fair generic competition at the earliest, most appropriate time.

The legislation would prevent "parked exclusivities" from delaying full, fair, and early generic competition by modifying three key elements of existing law. First, the legislation would grant the right to share exclusivity to any generic filer who wins a patent challenge in the district court or is not sued for patent infringement by the brand company. The legislation also maximizes the incentive for all generic challengers to fight to bring products to market at the earliest possible time by holding generic settlers to the deferred entry date agreed to in their settlements. Finally, in order to create more clarity regarding litigation risk for pioneer drug companies and generic companies, the legislation requires pioneer companies to make a litigation decision within the 45 day window provided for in the Hatch-Waxman Act.

As a result of these changes, companies who prevail in their patent challenges and immediately come to market may be the sole beneficiary of the 180 day exclusivity period. In addition, companies will understand litigation risk before launching generic products.

Taken in concert these changes will ensure that generic markets are opened as they were originally envisioned under the Hatch-Waxman exclusivity periods; and will generate significant savings for the U.S. consumers, the Federal Government, and the American health care system.

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. 1882

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 "Fair And Immediate Release of Generic Drugs Act" or the "FAIR Generics Act".

SEC. 2. 180-DAY EXCLUSIVITY PERIOD AMENDMENTS REGARDING FIRST APPLICANT STATUS.

(a) AMENDMENTS TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.—

(1) IN GENERAL.—Section 505(j)(5)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)(B)) is amended—

(A) in clause (iv)(II)—

(i) by striking item (bb); and

(ii) by redesignating items (cc) and (dd) as items (bb) and (cc), respectively; and

(B) by adding at the end the following:

"(v) FIRST APPLICANT DEFINED.—As used in this subsection, the term 'first applicant' means an applicant—

"(I)(aa) that, on the first day on which a substantially complete application containing a certification described in paragraph (2)(A)(vii)(IV) is submitted for approval of a drug, submits a substantially complete application that contains and lawfully maintains a certification described in paragraph (2)(A)(vii)(IV) for the drug; and

"(bb) that has not entered into a disqualifying agreement described under clause (vii)(II); or

''(II)(aa) for the drug that is not described in subclause (I) and that, with respect to the applicant and drug, each requirement described in clause (vi) is satisfied; and

''(bb) that has not entered into a disqualifying agreement described under clause (vii)(II).

''(vi) REQUIREMENT.—The requirements described in this clause are the following:

''(I) The applicant described in clause (v)(II) submitted and lawfully maintains a certification described in paragraph (2)(A)(vii)(IV) or a statement described in paragraph (2)(A)(viii) for each unexpired patent for which a first applicant described in clause (v)(I) had submitted a certification described in paragraph (2)(A)(vii)(IV) on the first day on which a substantially complete application containing such a certification was submitted.

''(II) With regard to each such unexpired patent for which the applicant described in clause (v)(II) submitted a certification described in paragraph (2)(A)(vii)(IV), no action for patent infringement was brought against such applicant within the 45 day period specified in paragraph (5)(B)(iii); or if an action was brought within such time period, such an action was withdrawn or dismissed by a court (including a district court) without a decision that the patent was valid and infringed; or if an action was brought within such time period and was not withdrawn or so dismissed, such applicant has obtained the decision of a court (including a district court) that the patent is invalid or not infringed (including any substantive determination that there is no cause of action for patent infringement or invalidity, and including a settlement order or consent decree signed and entered by the court stating that the patent is invalid or not infringed).

''(III) If an applicant described in clause (v)(I) has begun commercial marketing of such drug, the applicant described in clause (v)(II) does not begin commercial marketing of such drug until the date that is 30 days after the date on which the applicant described in clause (v)(I) began such commercial marketing.''.

(2) CONFORMING AMENDMENT.—Section 505(j)(5)(D)(i)(IV) of such Act (21 U.S.C. 355(j)(5)(D)(i)(IV)) is amended by striking ''The first applicant'' and inserting ''The first applicant, as defined in subparagraph (B)(v)(I),''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply only with respect to an application filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) to which the amendments made by section 1102(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) apply.

SEC. 3. 180-DAY EXCLUSIVITY PERIOD AMENDMENTS REGARDING AGREEMENTS TO DEFER COMMERCIAL MARKETING.

(a) AMENDMENTS TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.—

(1) LIMITATIONS ON AGREEMENTS TO DEFER COMMERCIAL MARKETING DATE.—Section 505(j)(5)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)(B)), as amended by section 2, is further amended by adding at the end the following:

''(vii) AGREEMENT BY FIRST APPLICANT TO DEFER COMMERCIAL MARKETING; LIMITATION ON ACCELERATION OF DEFERRED COMMERCIAL MARKETING DATE.—

''(I) AGREEMENT TO DEFER APPROVAL OR COMMERCIAL MARKETING DATE.—An agreement described in this subclause is an agreement between a first applicant and the holder of the application for the listed drug or an owner of one or more of the patents as to which any applicant submitted a certification qualifying such applicant for the 180-day exclusivity period whereby that applicant agrees, directly or indirectly, (aa) not to seek an approval of its application that is made effective on the earliest possible date under this subparagraph, subparagraph (F) of this paragraph, section 505A, or section 527, (bb) not to begin the commercial marketing of its drug on the earliest possible date after receiving an approval of its application that is made effective under this subparagraph, subparagraph (F) of this paragraph, section 505A, or section 527, or (cc) to both items (aa) and (bb).

''(II) AGREEMENT THAT DISQUALIFIES APPLICANT FROM FIRST APPLICANT STATUS.—An agreement described in this subclause is an agreement between an applicant and the holder of the application for the listed drug or an owner of one or more of the patents as to which any applicant submitted a certification qualifying such applicant for the 180-day exclusivity period whereby that applicant agrees, directly or indirectly, not to seek an approval of its application or not to begin the commercial marketing of its drug until a date that is after the expiration of the 180-day exclusivity period awarded to another applicant with respect to such drug (without regard to whether such 180-day exclusivity period is awarded before or after the date of the agreement).

''(viii) LIMITATION ON ACCELERATION.—If an agreement described in clause (vii)(I) includes more than 1 possible date when an applicant may seek an approval of its application or begin the commercial marketing of its drug—

''(I) the applicant may seek an approval of its application or begin such commercial marketing on the date that is the earlier of—

''(aa) the latest date set forth in the agreement on which that applicant can receive an approval that is made effective under this subparagraph, subparagraph (F) of this paragraph, section 505A, or section 527, or begin the commercial marketing of such drug, without regard to any other provision of such agreement pursuant to which the commercial marketing could begin on an earlier date; or

''(bb) 180 days after another first applicant begins commercial marketing of such drug; and

''(II) the latest date set forth in the agreement on which that applicant can receive an approval that is made effective under this subparagraph, subparagraph (F) of this paragraph, section 505A, or section 527, or begin the commercial marketing of such drug, without regard to any other provision of such agreement pursuant to which commercial marketing could begin on an earlier date, shall be the date used to determine whether an applicant is disqualified from first applicant status pursuant to clause (vii)(II).''.

(2) NOTIFICATION OF FDA.—Section 505(j) of such Act (21 U.S.C. 355(j)) is amended by adding at the end the following:

''(11)(A) The holder of an abbreviated application under this subsection shall submit to the Secretary a notification that includes—

''(i)(I) the text of any agreement entered into by such holder described under paragraph (5)(B)(vii)(I); or

''(II) if such an agreement has not been reduced to text, a written detailed description of such agreement that is sufficient to disclose all the terms and conditions of the agreement; and

''(ii) the text, or a written detailed description in the event of an agreement that has not been reduced to text, of any other agreements that are contingent upon, provide a contingent condition for, or are otherwise related to an agreement described in clause (i).

''(B) The notification described under subparagraph (A) shall be submitted not later than 10 business days after execution of the agreement described in subparagraph (A)(i). Such notification is in addition to any notification required under section 1112 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

''(C) Any information or documentary material filed with the Secretary pursuant to this paragraph shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding. Nothing in this paragraph is intended to prevent disclosure to either body of the Congress or to any duly authorized committee or subcommittee of the Congress.''.

(3) PROHIBITED ACTS.—Section 301(e) of such Act (21 U.S.C. 331(e)) is amended by striking ''505 (i) or (k)'' and inserting ''505 (i), (j)(11), or (k)''.

(b) INFRINGEMENT OF PATENT.—Section 271(e) of title 35, United States Code, is amended by adding at the end the following:

''(7) The exclusive remedy under this section for an infringement of a patent for which the Secretary of Health and Human Services has published information pursuant to subsection (b)(1) or (c)(2) of section 505 of the Federal Food, Drug, and Cosmetic Act shall be an action brought under this subsection within the 45-day period described in subsection (j)(5)(B)(iii) or (c)(3)(C) of section 505 of the Federal Food, Drug, and Cosmetic Act.''.

(c) APPLICABILITY.—

(1) LIMITATIONS ON ACCELERATION OF DEFERRED COMMERCIAL MARKETING DATE.—The amendment made by subsection (a)(1) shall apply only with respect to—

(A) an application filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) to which the amendments made by section 1102(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) apply; and

(B) an agreement described under section 505(j)(5)(B)(vii)(I) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)(1)) executed after the date of enactment of this Act.

(2) NOTIFICATION OF FDA.—The amendments made by paragraphs (2) and (3) of subsection (a) shall apply only with respect to an agreement described under section 505(j)(5)(B)(vii)(I) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)(1)) executed after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 324—COMMEMORATING THE 60TH ANNIVERSARY OF THE UNITED STATES-AUSTRALIA ALLIANCE

Mr. KERRY (for himself, Mr. LUGAR, Mr. INHOFE, and Mr. WEBB) submitted the following resolution; which was considered and agreed to:

S. RES. 324

Whereas the United States Government enhanced its relationship with the Governments of Australia and New Zealand with the signing of the Australia-New Zealand-United States (ANZUS) Treaty on September 1, 1951, and subsequently engaged in annual, bilateral Australian-United States Ministerial (AUSMIN) consultations between the

Australian Ministers of Foreign Affairs and Defence and the United States Secretaries of State and Defense, including a meeting in San Francisco in September 2011 that commemorated the 60th anniversary of the United States-Australia alliance;

Whereas the alliance remains fundamental to the security of Australia and the United States and to the peace, stability, and prosperity of the Asia-Pacific region, and is one dimension of a broad and deep relationship between the two countries that encompasses robust bilateral strategic, intelligence, trade, and investment relations based on shared interests and values, a common history and cultural traditions, and mutual respect;

Whereas numerous visits by Presidents of the United States, including this week by President Barack Obama, and by the Australian Prime Minister to the United States, including in 2011 when Prime Minister Julia Gillard addressed a Joint Session of Congress, have underscored the strength and closeness of the relationship;

Whereas members of the United States and Australian armed forces have fought side-by-side in every major conflict since the First World War, with the commitment to mutual defense and security between the United States and Australia being longstanding and unshakeable, as was demonstrated by the joint decision to invoke the ANZUS Treaty in the aftermath of the September 11, 2001, terrorist attacks;

Whereas the Governments of the United States and Australia continue to share a common approach to the most pressing issues in global defense and security, including in Afghanistan, where about 1,550 Australian Defence Force personnel are deployed, and in response to natural disasters and humanitarian crises, such as in Japan following the earthquake and subsequent tsunami in March 2011;

Whereas Secretary of State Hillary Clinton recently stated, ''We are expanding our alliance with Australia from a Pacific partnership to an Indo-Pacific one, and indeed a global partnership. . . . Australia's counsel and commitment have been indispensable.'';

Whereas Secretary of Defense Leon Panetta recently remarked that ''the United States has no closer ally than Australia. . . . [We] affirm this alliance, affirm that it remains strong, and that we are determined to deepen our security cooperation even further to counter the threats and challenges that we face in the future.'';

Whereas the Governments of the United States and Australia agreed to set up a Force Posture Working Group at the November 2010 AUSMIN to examine options to align respective force postures consistent with the national security requirements of both countries and to help positively shape the regional security environment;

Whereas the United States and Australia committed in a Joint Statement on Cyberspace during the 2011 AUSMIN meeting to consult together and determine appropriate options to address any threats;

Whereas the Government of Australia is a major purchaser of United States military resources, approximately 50 percent of Australia's war-fighting assets are sourced from the United States, and the Government of Australia has plans to spend a substantial sum over the next 10-15 years to update or replace up to about 85 percent of its military equipment;

Whereas, on September 29, 2010, the Senate provided its advice and consent to ratification of the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, signed at Sydney, Australia, September 5, 2007, which will facilitate defense trade between the two nations and enhance interoperability between military forces;

Whereas the Governments of the United States and Australia support open, transparent, and inclusive regional architectures to preserve and enhance peace, security, and prosperity in the Asia-Pacific region;

Whereas the Governments of the United States and Australia cooperate closely in regional and global forums, as evidenced by Australia's support for the United States as the host this month of the Asia-Pacific Economic Cooperation forum in 2011 and the United States' support for Australia to host the G-20 in 2014;

Whereas the United States and Australia elevated their trade relationship through the Australia-United States Free Trade Agreement that entered into force on January 1, 2005, and exports of United States goods to Australia have risen by 53 percent since that time, totaling $21,900,000,000 in 2010;

Whereas the United States is Australia's largest destination for foreign investment, helping create jobs for United States workers, with Australian companies employing more than 88,000 people directly in the United States;

Whereas the Governments and people of the United States and Australia work closely to advance and support human rights, the rule of law, and basic freedoms worldwide;

Whereas the Governments and people of the United States and Australia work jointly and separately to support democracy, economic reform, and good governance in the Pacific Islands, Southeast Asia, South and Central Asia, the Middle East, and North Africa, among other areas of the world; and

Whereas the Governments of the United States and Australia are working through their respective aid agencies (USAID and AusAID) and also exploring opportunities for collaboration across a wide variety of areas: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 60th Anniversary of the United States-Australia alliance and takes this opportunity to reiterate the enduring significance of this historic friendship that serves as an anchor of peace, stability, and prosperity in the Asia-Pacific region and in the world;

(2) supports United States efforts to strengthen military, diplomatic, trade, economic, and people-to-people cooperation with Australia, including initiatives to positively shape the evolving strategic and economic environment that connects the Indian and the Pacific Oceans; and

(3) urges close consultation between the Governments of the United States and Australia in preparation for the East Asia Summit to be chaired by Indonesia on November 19, 2011, and encourages other, new forms of cooperation with the Government and people of Australia that strengthen regional architectures to enhance peace, security, and prosperity in the Asia-Pacific region.

SENATE RESOLUTION 325—RECOGNIZING THE 2012 WORLD CHOIR GAMES IN CINCINNATI, OHIO, AS A GLOBAL EVENT OF CULTURAL SIGNIFICANCE TO THE UNITED STATES AND EXPRESSING SUPPORT FOR DESIGNATION OF JULY 2012 AS WORLD CHOIR GAMES MONTH IN THE UNITED STATES

Mr. PORTMAN (for himself and Mr. BROWN of Ohio) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 325

Whereas the World Choir Games, the largest choral competition in the world, takes place every 2 years, is known as the ''Olympics of choral music'', and has the goal of uniting people from all countries through singing in peaceful competition;

Whereas, from July 4 through July 14, 2012, Cincinnati, Ohio, will be first city in the United States to host the World Choir Games;

Whereas the Seventh World Choir Games are expected to include more than 400 choirs from more than 70 countries, 20,000 official participants, including performers, event officials, delegations, and international jury members, and up to 200,000 spectators;

Whereas choirs will compete in 23 different musical genres evaluated by an impartial international jury of choral music experts;

Whereas the genres of barbershop and show choir will be added as competition categories for the first time in recognition of their popularity in the United States;

Whereas the uniting of the people of the world through singing in peaceful competition in the United States in 2012 affirms the commitment of the United States to global cultural awareness, understanding, and appreciation; and

Whereas it is appropriate to designate July 2012 as World Choir Games Month in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the global significance of the Seventh World Choir Games to be hosted in Cincinnati, Ohio, from July 4 through July 14, 2012;

(2) recognizes Interkultur, the Cincinnati Organizing Committee for the Seventh World Choir Games, the Cincinnati USA Convention and Visitors Bureau, the city of Cincinnati, and the State of Ohio for their efforts to secure and host the World Choir Games;

(3) expresses appreciation to all people of the world who will participate in the World Choir Games, either in competition or as visitors, and to all of the volunteers who will welcome the participants and other visitors to the United States;

(4) supports the designation of July 2012 as World Choir Games Month in the United States; and

(5) renews the commitment of the United States to world peace and friendship and increasing global cultural understanding through singing in peaceful competition.

SENATE RESOLUTION 326—DESIGNATING THURSDAY, NOVEMBER 17, 2011, AS ''FEED AMERICA DAY''

Mr. HATCH (for himself, Mr. BROWN of Ohio, Mr. CRAPO, Mr. LEAHY, Mr. LUGAR, and Mr. UDALL of New Mexico) submitted the following resolution; which was considered and agreed to:

S. RES. 326

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which the United States was founded;

Whereas, according to the Department of Agriculture, roughly 48,000,000 people in the United States, including 16,200,000 children, continue to live in households that do not have an adequate supply of food; and

Whereas selfless sacrifice breeds a genuine spirit of thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

Resolved, That the Senate—

(1) designates Thursday, November 17, 2011, as ''Feed America Day''; and

(2) encourages the people of the United States to sacrifice 2 meals on Thursday, November 17, 2011, and to donate the money that would have been spent on that food to the religious or charitable organization of their choice for the purpose of feeding the hungry.

SENATE RESOLUTION 327—SUPPORTING THE GOALS AND IDEALS OF AMERICAN DIABETES MONTH

Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. BEGICH, Mr. CONRAD, Mr. KIRK, Ms. KLOBUCHAR, Mr. JOHNSON of South Dakota, Mr. AKAKA, Mrs. FEINSTEIN, and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 327

Whereas according to the Centers for Disease Control and Prevention (referred to in this preamble as ''CDC''), nearly 26,000,000 people of the United States have diabetes and 79,000,000 people of the United States have pre-diabetes

Whereas diabetes is a serious chronic condition that affects people of every age, race, ethnicity, and income level;

Whereas the CDC reports that Hispanic, African, Asian, and Native Americans are disproportionately affected by diabetes and suffer from diabetes at rates that are much higher than the general population;

Whereas according to the CDC, someone is diagnosed with diabetes every 17 seconds;

Whereas each day, approximately 5,082 people are diagnosed with diabetes;

Whereas in 2010, the CDC estimated that approximately 1,900,000 individuals aged 20 and older were newly diagnosed with diabetes;

Whereas a joint National Institutes of Health and CDC study found that approximately 15,000 youth in the United States are diagnosed with type 1 diabetes annually and approximately 3,600 youth are diagnosed with type 2 diabetes annually;

Whereas according to the CDC, between 1980 and 2007, diabetes prevalence in the United States increased by more than 300 percent;

Whereas the CDC reports that over 27 percent of individuals with diabetes are undiagnosed;

Whereas the National Diabetes Fact Sheet issued by the CDC states that more than 11 percent of adults of the United States and 26.9 percent of people of the United States age 60 and older have diabetes;

Whereas the CDC estimates as many as 1 in 3 American adults will have diabetes in 2050 if present trends continue;

Whereas the CDC estimates that as many as 1 in 2 Hispanic, African, Asian, and Native American adults will have diabetes in 2050 if present trends continue;

Whereas according to the American Diabetes Association, in 2007, the total cost of diagnosed diabetes in the United States was $174,000,000,000, and 1 in 10 dollars spent on health care was attributed to diabetes and its complications;

Whereas according to a Lewin Group study, in 2007, the total cost of diabetes (including both diagnosed and undiagnosed diabetes, pre-diabetes, and gestational diabetes) was $218,000,000,000;

Whereas a Mathematica Policy Research study in 2007 found that, for each fiscal year, total expenditures for Medicare beneficiaries with diabetes comprise 32.7 percent of the Medicare budget;

Whereas according to the CDC, diabetes was the seventh leading cause of death in 2007 and contributed to the deaths of over 230,000 Americans in 2007;

Whereas there is not yet a cure for diabetes;

Whereas there are proven means to reduce the incidence of, and delay the onset of, type 2 diabetes;

Whereas with the proper management and treatment, people with diabetes live healthy, productive lives; and

Whereas American Diabetes Month is celebrated in November: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of American Diabetes Month, including—

(A) encouraging the people of the United States to fight diabetes through public awareness about prevention and treatment options; and

(B) increasing education about the disease;

(2) recognizes the importance of early detection of diabetes, awareness of the symptoms of diabetes, and the risk factors that often lead to the development of diabetes, including—

(A) being over the age of 45;

(B) having a specific racial and ethnic background;

(C) being overweight;

(D) having a low level of physical activity level;

(E) having high blood pressure; and

(F) having a family history of diabetes or a history of diabetes during pregnancy; and

(3) supports decreasing the prevalence of type 1, type 2, and gestational diabetes in the United States through increased research, treatment, and prevention.

SENATE RESOLUTION 328—DESIGNATING THE WEEK OF NOVEMBER 14 THROUGH 20, 2011, AS ''GLOBAL ENTREPRENEURSHIP WEEK/USA''

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

S. RES. 328

Whereas research has shown that between 1980 and 2005 the majority of jobs in the United States were created by entrepreneurs and the young companies of those entrepreneurs;

Whereas the economy and society of the United States, as well as the country as a whole, have greatly benefitted from the everyday use of breakthrough innovations developed and brought to market by entrepreneurs;

Whereas Global Entrepreneurship Week/USA is an initiative to celebrate the innovators and job creators who launch startups that bring ideas to life, drive economic growth, and improve human welfare;

Whereas Global Entrepreneurship Week/USA helps existing and aspiring entrepreneurs to acquire the knowledge, skills, and networks needed to create vibrant enterprises that will improve the lives and communities of the entrepreneurs;

Whereas, in 2010, more than 445,896 individuals participated in the more than 3,200 entrepreneurial activities held in the United States alone during Global Entrepreneurship Week;

Whereas, in 2010, more than 1,300 partner organizations participated in Global Entrepreneurship Week/USA, including startup accelerators, business incubators, chambers of commerce, institutions of higher education, high schools, businesses, and State and local governments; and

Whereas, in 2011, thousands of organizations in the United States will join in the celebration by planning activities designed to inspire, connect, mentor, and engage the next generation of entrepreneurs throughout Global Entrepreneurship Week/USA: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 14 through 20, 2011, as ''Global Entrepreneurship Week/USA''; and

(2) supports the goals of Global Entrepreneurship Week/USA, including—

(A) inspiring young people everywhere to embrace innovation, imagination, and creativity; and

(B) training the next generation of entrepreneurial leaders.

SENATE RESOLUTION 329—RECOGNIZING NATIONAL NATIVE AMERICAN HERITAGE MONTH AND CELEBRATING THE HERITAGES AND CULTURES OF NATIVE AMERICANS AND THE CONTRIBUTIONS OF NATIVE AMERICANS TO THE UNITED STATES

Mr. AKAKA (for himself, Mr. REID of Nevada, Mr. BARRASSO, Ms. CANTWELL, Mr. CRAPO, Mr. FRANKEN, Mr. INOUYE, Mr. JOHANNS, Mr. JOHNSON of South Dakota, Ms. MURKOWSKI, Mr. TESTER, and Mr. UDALL of New Mexico) submitted the following resolution; which was considered and agreed to:

S. RES. 329

Whereas from November 1, 2011, through November 30, 2011, the United States celebrates National Native American Heritage Month;

Whereas Native Americans are descendants of the original, indigenous inhabitants of what is now the United States;

Whereas the United States Bureau of the Census estimated in 2009 that there were almost 5,000,000 individuals in the United States of Native American descent;

Whereas Native Americans maintain vibrant cultures and traditions and hold a deeply rooted sense of community;

Whereas Native Americans have moving stories of tragedy, triumph, and perseverance that need to be shared with future generations;

Whereas Native Americans speak and preserve indigenous languages, which have contributed to the English language by being used as names of individuals and locations throughout the United States;

Whereas Congress has recently reaffirmed its support of tribal self-governance and its commitment to improving the lives of all Native Americans by enhancing health care services, increasing law enforcement resources, and approving settlements of litigation involving Indian tribes and the United States;

Whereas Congress is committed to improving the housing conditions and socioeconomic status of Native Americans;

Whereas the United States is committed to strengthening the government-to-government relationship that it has maintained with the various Indian tribes;

Whereas Congress has recognized the contributions of the Iroquois Confederacy, and its influence on the Founding Fathers in the drafting of the Constitution of the United States with the concepts of freedom of

speech, the separation of governmental powers, and the system of checks and balances between the branches of government;

Whereas with the enactment of the Native American Heritage Day Act of 2009 (Public Law 111–33; 123 Stat. 1922), Congress—

(1) reaffirmed the government-to-government relationship between the United States and Native American governments; and

(2) recognized the important contributions of Native Americans to the culture of the United States;

Whereas Native Americans have made distinct and important contributions to the United States and the rest of the world in many fields, including the fields of agriculture, medicine, music, language, and art, and Native Americans have distinguished themselves as inventors, entrepreneurs, spiritual leaders, and scholars;

Whereas Native Americans have served with honor and distinction in the Armed Forces of the United States, and continue to serve in the Armed Forces in greater numbers per capita than any other group in the United States;

Whereas the United States has recognized the contribution of the Native American code talkers in World War I and World War II, who used indigenous languages as an unbreakable military code, saving countless Americans; and

Whereas the people of the United States have reason to honor the great achievements and contributions of Native Americans and their ancestors: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the month of November 2011 as National Native American Heritage Month;

(2) recognizes the Friday after Thanksgiving as ''Native American Heritage Day'' in accordance with the Native American Heritage Day Act of 2009 (Public Law 111–33; 123 Stat. 1922); and

(3) urges the people of the United States to observe National Native American Heritage Month and Native American Heritage Day with appropriate programs and activities.

SENATE RESOLUTION 330—DESIGNATING JANUARY 27, 2012, AS A NATIONAL DAY OF REMEMBRANCE FOR AMERICANS WHO, DURING THE COLD WAR, WORKED AND LIVED DOWNWIND FROM NUCLEAR TESTING SITES AND WERE ADVERSELY AFFECTED BY THE RADIATION EXPOSURE GENERATED BY THE ABOVE GROUND NUCLEAR WEAPONS TESTING

Mr. CRAPO (for himself, Mr. RISCH, Mr. BINGAMAN, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, and Mr. BENNET) submitted the following resolution; which was considered and agreed to:

S. RES. 330

Whereas on January 27, 1951, the first of years of nuclear weapons tests was conducted at a site known as the Nevada Proving Ground, located approximately 65 miles northwest of Las Vegas, Nevada;

Whereas the extensive testing at the Nevada Proving Ground came just years after the first ever nuclear weapon test, which was conducted on July 16, 1945, at what is known as the Trinity Atomic Test Site, located approximately 35 miles south of Socorro, New Mexico;

Whereas many Americans who, during the Cold War, worked and lived downwind from nuclear testing sites (referred to in this preamble as ''downwinders'') were adversely affected by the radiation exposure generated by the above ground nuclear weapons testing, and some of the downwinders sickened as a result of the radiation exposure;

Whereas the downwinders paid a high price for the development of a nuclear weapons program for the benefit of the United States; and

Whereas the downwinders deserve to be recognized for the sacrifice they have made for the defense of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates January 27, 2012, as a national day of remembrance for Americans who, during the Cold War, worked and lived downwind from nuclear testing sites and were adversely affected by the radiation exposure generated by the above ground nuclear weapons testing; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate January 27, 2012.

SENATE RESOLUTION 331—EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD ''GO BIG'' IN ITS ATTEMPTS TOWARD DEFICIT REDUCTION

Mr. KIRK (for himself, Mr. MANCHIN, Mr. BEGICH, Mr. CONRAD, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. LIEBERMAN, and Mr. WARNER) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 331

Whereas the Government of the United States has reached record levels of debt, with total debt outstanding exceeding $14,970,000,000,000;

Whereas the publicly held debt of the United States has reached 67 percent of Gross Domestic Product and is projected to increase to 100 percent by 2021;

Whereas the Congressional Budget Office estimated the deficit for fiscal year 2011 at approximately $1,300,000,000,000;

Whereas the outlook on the deficits and debt of the United States has caused the Nation's long-term credit rating to be downgraded for the first time in history by at least one Nationally Recognized Statistical Rating Organization, and its credit rating could potentially be downgraded again;

Whereas the Budget Control Act of 2011 has empowered the Joint Select Committee on Deficit Reduction to propose significant and important reductions to the deficit, and failure to secure sufficient reductions will trigger substantial cuts in critical areas;

Whereas the presidentially appointed National Commission on Fiscal Responsibility and Reform has created a framework to reduce the Federal deficit by approximately $4,000,000,000,000;

Whereas numerous budget experts, leading political figures, and independent groups of differing political ideologies have advocated for a ''Go Big'' strategy for deficit reduction; and

Whereas 45 United States Senators have previously supported the goal of achieving greater deficit reduction: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should pass a deficit reduction measure that—

(1) includes enough deficit reduction to stabilize the Federal debt as a share of the economy, put the debt on a downward path, and provide fiscal certainty;

(2) reduces the deficit by at least $4,000,000,000,000 over 10 years in order to reassure financial markets;

(3) encompasses the principles of reform, shared sacrifice, and compromise;

(4) uses established, bipartisan debt and deficit reduction frameworks as a starting point for discussions;

(5) focuses on the major parts of the budget and includes long-term entitlement reforms and pro-growth tax reform;

(6) is structured to grow the economy in the short, medium, and long terms to create jobs in the United States and increase United States competitiveness;

(7) builds a foundation of investor confidence that preserves the United States dollar and Federal debt securities as the global standard of safety and stability;

(8) works to include the American public and the business community in a broader discussion about the breadth of the issues, challenges, and opportunities facing us; and

(9) includes tax reform that guarantees deficit reduction and economic growth to rebuild America.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1018. Mr. WICKER (for himself, Mr. BOOZMAN, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 1019. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1020. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1021. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1022. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1023. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1024. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1025. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1026. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1027. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1028. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1029. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1030. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1031. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1032. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1033. Mr. JOHNSON, of South Dakota (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1034. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1035. Mr. CARDIN (for himself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1036. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1037. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1038. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1039. Ms. STABENOW (for herself, Mr. DURBIN, Mr. LEVIN, Mr. KOHL, Mr. BROWN of Ohio, Mr. FRANKEN, Mrs. GILLIBRAND, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1040. Mr. SANDERS (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1041. Mr. MCCAIN (for himself, Mr. ROCKEFELLER, Mr. JOHANNS, Mr. BARRASSO, Mr. ENZI, Ms. MURKOWSKI, Mrs. MCCASKILL, Mr. BEGICH, Mr. COBURN, Mr. BLUNT, Mr. THUNE, Mr. HELLER, Mr. WEBB, Mr. MANCHIN, Mr. GRAHAM, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1042. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1043. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1044. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1045. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1046. Mr. KOHL (for himself, Ms. STABENOW, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1047. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1048. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1049. Mr. BAUCUS (for himself, Mr. ROBERTS, Mr. BINGAMAN, Mrs. MCCASKILL, Ms. CANTWELL, Mr. NELSON of Nebraska, Mr. HARKIN, Mr. PRYOR, Mr. TESTER, Mrs. MURRAY, Mr. MORAN, Mr. CRAPO, Mr. JOHNSON of South Dakota, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1050. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1051. Mr. CORKER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1052. Mr. COATS (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1053. Ms. LANDRIEU (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1054. Mr. BROWN of Ohio (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1055. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1056. Mr. WICKER (for himself, Mr. INHOFE, Mr. SESSIONS, Mr. ROBERTS, Mr. PAUL, and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1057. Mr. WHITEHOUSE (for Mr. NELSON of Florida) proposed an amendment to the resolution S. Res. 303, honoring the life, service, and sacrifice of Captain Colin P. Kelly Jr., United States Army.

SA 1058. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 1059. Mr. COONS (for himself, Mr. CASEY, and Mr. TOOMEY) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1060. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1061. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2354, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1018. Mr. WICKER (for himself, Mr. BOOZMAN, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division B, add the following:

SEC. 7___. None of the funds made available by this Act for fiscal year 2012 may be obligated or expended to implement or use green building rating standards unless the standards—

(1)(A) are developed in accordance with rules accredited by the American National Standards Institute; and

(B) are approved as American National Standards; or

(2) incorporate and document the use of lifecycle assessment in the evaluation of building materials.

SA 1019. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the last proviso of the matter under the heading ''SALARIES AND EXPENSES'' under the heading ''FEDERAL ENERGY REGULATORY COMMISSION'' under the heading ''DEPARTMENT OF ENERGY'' of title III, strike ''a State'' and all that follows through the period at the end and insert ''avoided cost determined under section 210(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–3) may differ by technology to take into account the requirement of a State that a utility purchase electric energy generated by specified technologies.''.

SA 1020. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title IV of division A, in the matter under the heading ''OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS'' under the heading ''INDEPENDENT AGENCIES'', strike ''$1,000,000'' and insert ''$3,000,000''.

SA 1021. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 40, strike line 23 and all that follows through page 41, line 4, and insert the following:

NAVAL PETROLEUM AND OIL SHALE RESERVES

None of the funds appropriated or otherwise made available by this Act shall be used to carry out naval petroleum and oil shale reserve activities.

SA 1022. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 39, strike line 21 and all that follows through page 40, line 22, and insert the following:

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING RESCISSION)

None of the funds appropriated or otherwise made available by this Act shall be used to carry out fossil energy research and development activities under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.): *Provided*, That of prior-year balances, $187,000,000 are hereby rescinded: *Provided further*, That no rescission made by the previous proviso shall apply to any amount previously appropriated in Public Law 111–5 or designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

SA 1023. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 37, strike line 19 and all that follows through page 38, line 13.

On page 42, strike lines 13 through 16.

On page 47, strike lines 1 through 5.

On page 66, between lines 2 and 3, insert the following:

SEC. 3__. None of the funds appropriated or otherwise made available by this Act shall be used to carry out—

(1) energy efficiency and renewable energy activities in carrying out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including FreedomCAR and Fuel Partnership programs;

(2) activities of the Energy Information Administration; or

(3) the advanced technology vehicles manufacturing incentive program established under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013).

SA 1024. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title III, at the end of the sections under the heading ''GENERAL PROVISIONS—DEPARTMENT OF ENERGY'', add the following:

SEC. ____. None of the funds made available by this Act may be used to process, administer, or finalize any loan issued under the advanced technology vehicles manufacturing incentive program established under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) for the purposes of manufacturing advanced high-strength steel.

SA 1025. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. TRANSPARENCY IN JUDGMENT PAYMENTS.

(a) DISCLOSURE OF PAYMENTS.—Section 1304 of title 31, United States Code, is amended by adding at the end the following:

''(d)(1) Not later than 30 days after the payment of a final judgment, award, or compromise settlement under this section, the Secretary of the Treasury shall publish electronically (including on a dedicated, publicly accessible Web site), in a manner consistent with applicable Federal privacy law—

''(A) the agency responsible for the payment;

''(B) a citation to the provision of law under which the claim was made;

''(C) the amount to be paid;

''(D) the amount of any interest to be paid;

''(E) the amount of any attorney fees to be paid; and

''(F) for any case filed in a court—

''(i) the case number for the case that resulted in the judgment, award, or settlement; and

''(ii) the court in which the case was filed.

''(2) The information published under paragraph (1) shall contain separate sections for claims filed in court and administrative claims.

''(3)(A) The Secretary of the Treasury shall submit to the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on the Judiciary and the Committee on Oversight and Government Reform of the House of Representatives a quarterly report that contains—

''(i) any information published under paragraph (1) during the preceding quarter; and

''(ii) a confidential appendix that includes, for each case or claim described in clause (i), the identity of the plaintiff, counsel for the plaintiff, and the defendant.

''(B) A report under subparagraph (A) shall be exempt from disclosure under section 552 of title 5. For purposes of section 552 of title 5, this paragraph shall be considered a statute described in subsection (b)(3)(B) of such section 552.''.

(b) LITIGATION MANAGEMENT.—

(1) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end the following:

''§ 613. Litigation management

''(a) Each agency, in consultation with the Attorney General of the United States and consistent with applicable Federal privacy law, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives an annual report describing—

''(1) any civil action filed or pending against the agency or any employee of the agency; and

''(2) any settlements entered by or final judgments entered against the agency or any employee of the agency.

''(b) The report required under subsection (a) shall include—

''(1) a summary of—

''(A) the number of civil actions filed, pending, or settled;

''(B) the number of civil actions for which more than 36 months have passed since the date the action was filed;

''(C) the number of claims—

''(i) made under a statute or regulation; and

''(ii) alleging a violation of a statute or regulation;

''(D) the number of judgments entered for and against the agency;

''(E) the number of settlements or consent decrees involving the agency;

''(F) the number of judgments entered under seal;

''(G) the number of settlements or consent decrees involving a confidentiality agreement or order;

''(H) the total amount of all judgments, settlements, and attorney fees paid by or on behalf of the agency; and

''(I) the total number of agency rulemakings or other actions commenced due to a judgment or settlement;

''(2) for each filed or pending civil action, a summary of the action that—

''(A) describes—

''(i) the nature of the action;

''(ii) the cause of action asserted, including specific statutory references;

''(iii) the nature and amount of relief requested;

''(iv) whether the plaintiff is a party to any other litigation against the agency;

''(v) whether a claim for attorney fees has been made, and if so, the statutory basis for the claim;

''(vi) the date the action was filed; and

''(vii) whether more than 36 months have passed since the date the action was filed; and

''(B) identifies—

''(i) the court, the presiding judge, and the case number; and

''(ii) the plaintiff and counsel for the plaintiff; and

''(3) for each settlement or final judgment, except a settlement or final judgment described in paragraph (4), a summary of the civil action that includes—

''(A) the nature of the civil action;

''(B) the amount of the payment or other relief granted or agreed;

''(C) the amount of attorneys fees paid; and

''(D) the nature of any rulemaking or other agency action commenced due to the settlement or judgment; and

''(4) for each settlement or final judgment involving a judgment under seal or a confidentiality agreement or order—

''(A) the parties to the settlement or final judgment; and

''(B) each cause of action alleged in the complaint.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 6 of title 5, United States Code, is amended by adding at the end the following:

''613. Litigation management.''.

SA 1026. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, between lines 2 and 3, insert the following:

SEC. 3____. Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Committees on Appropriations of the House of Representatives and the Senate and post on the public Internet website of the Department of Energy a report describing all recipients of assistance (including grants, contracts, direct loans, loan guarantees, and cooperative agreements) from the Department during the 5-year period ending on the date of enactment of this Act that have filed for bankruptcy or were declared bankrupt, including the name of recipients, the amount of assistance, the date (by year) of receipt of assistance, and the date on which recipients filed for bankruptcy or were declared bankrupt.

SA 1027. Mr. COBURN submitted an amendment intended to be proposed by

him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division A, add the following:

SEC. 5____. Notwithstanding any other provision of this Act, none of the funds made available by this Act shall be used to carry out the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a).

SA 1028. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division A, add the following:

SEC. 5____. There are rescinded all remaining unobligated balances made available for the temporary program for rapid deployment of renewable energy and electric power transmission projects under section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516).

SA 1029. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ____. A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

SEC. ____. None of the funds made available by this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

SEC. ____. (a) The head of any department, agency, board or commission funded by this Act shall submit quarterly reports to the Inspector General, or the senior ethics official for any entity without an inspector general, of the appropriate department, agency, board or commission regarding the costs and contracting procedures relating to each conference held by the department, agency, board or commission during fiscal year 2012 for which the cost to the Government was more than $20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that conference;

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that conference; and a description of the contracting procedures relating to that conference, including—

(i) whether contracts were awarded on a competitive basis for that conference; and

(ii) a discussion of any cost comparison conducted by the department, agency, board or commission in evaluating potential contractors for that conference.

SA 1030. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division A, add the following:

SEC. 5____. Notwithstanding any other provision of this Act, none of the funds made available by this Act shall be used to carry out any activity directed specifically or noncompetitively for algae-based biofuels.

SA 1031. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division A, add the following:

SEC. 5____. Notwithstanding title III of division A, none of the funds made available by this Act shall be used to promulgate any regulation establishing energy-efficiency standards for televisions.

SA 1032. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division A, add the following:

SEC. 5____. Notwithstanding any other provision of this Act, none of the funds made available by this Act shall be used by the Office of Fossil Energy to carry out any energy research relating to fossil fuels, except that nothing in this section affects the responsibilities of the Secretary of Energy relating to national petroleum reserves.

SA 1033. Mr. JOHNSON, of South Dakota (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title II of division A, at the end of the sections under the heading ''GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR'', add the following:

SEC. _____. Any funds available to carry out the Oglala Sioux Rural Water Supply System established under section 3(a) of the Mni Wiconi Project Act of 1988 (Public Law 100–516; 102 Stat. 2566) shall also be available for the Secretary of the Interior to plan, design, construct, operate, maintain, and replace the Oglala Sioux Rural Water Supply System within the entire boundary of the Pine Ridge Indian Reservation, including the tract of land in the State of Nebraska set aside as part of the Pine Ridge Indian Reservation by the Executive order dated February 20, 1904.

SA 1034. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID, to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 4, insert '', including any engineering and technical studies the Secretary determines to be necessary to estimate future storm-related releases of sediment deposited behind dams,'' after ''activities''.

SA 1035. Mr. CARDIN (for himself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, beginning on line 13, strike ''$58,024,000, to remain available until expended'' and insert ''$68,000,000, to remain available until expended: *Provided*, That of the funds made available under this title, each account under this title (except the accounts under this heading) shall be reduced by the pro rata percentage required to reduce the total amount provided under this title by $9,976,000''.

SA 1036. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, line 15, insert '', including repairs required for structural safety,'' after ''repairs''.

SA 1037. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, line 13, strike ''funds;'' and insert ''funds: *Provided further*, That, not later than 120 days after the date of enactment of this Act, the General Services Administration shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed report, by project, for the construction projects included in the fiscal year 2011 project plan for the Federal Buildings Fund submitted to Congress on June 20, 2011, on the use of funds provided

under this Act for each project in fiscal year 2012, the future cost to complete each project, the added costs incurred for delays associated with each project, and the estimated number of construction and related jobs unfilled because of the delays associated with completion of each project;''.

SA 1038. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SURETY BONDS.

(a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking ''(1)'' and all that follows and inserting the following: ''(1)(A) The Administration may, upon such terms and conditions as it may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed $5,000,000.

''(B) The Administrator may guarantee a surety under subparagraph (A) for a total work order or contract amount that does not exceed $10,000,000, if a contracting officer of a Federal agency certifies that such a guarantee is necessary.''.

(b) DENIAL OF LIABILITY.—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) by striking subsection (e) and inserting the following:

''(e) REIMBURSEMENT OF SURETY; CONDITIONS.—Pursuant to any such guarantee or agreement, the Administration shall reimburse the surety, as provided in subsection (c) of this section, except that the Administration shall be relieved of liability (in whole or in part within the discretion of the Administration) if—

''(1) the surety obtained such guarantee or agreement, or applied for such reimbursement, by fraud or material misrepresentation;

''(2) the total contract amount at the time of execution of the bond or bonds exceeds $5,000,000;

''(3) the surety has breached a material term or condition of such guarantee agreement; or

''(4) the surety has substantially violated the regulations promulgated by the Administration pursuant to subsection (d).'';

(2) by striking subsection (k); and

(3) by adding after subsection (i) the following:

''(j) DENIAL OF LIABILITY.—For bonds made or executed with the prior approval of the Administration, the Administration shall not deny liability to a surety based upon material information that was provided as part of the guaranty application.''.

(c) SIZE STANDARDS.—Section 410 of the Small Business Investment Act of 1958 (15 U.S.C. 694a) is amended—

(1) by striking paragraph (9); and

(2) adding after paragraph (8) the following:

''(9) Notwithstanding any other provision of law or any rule, regulation, or order of the Administration, for purposes of sections 410, 411, and 412 the term 'small business concern' means a business concern that meets the size standard for the primary industry in which such business concern, and the affiliates of such business concern, is engaged, as determined by the Administrator in accordance with the North American Industry Classification System.''.

SA 1039. Ms. STABENOW (for herself, Mr. DURBIN, Mr. LEVIN, Mr. KOHL, Mr. BROWN of Ohio, Mr. FRANKEN, Mrs. GILLIBRAND, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division A, add the following:

SEC. 1___. ASIAN CARP.

(a) DEFINITIONS.—In this section:

(1) HYDROLOGICAL SEPARATION.—The term ''hydrological separation'' means a physical separation on the Chicago Area Waterway System that—

(A) would disconnect the Mississippi River watershed from the Lake Michigan watershed; and

(B) shall be designed to be adequate in scope to prevent the transfer of all aquatic species between each of those bodies of water.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(b) EXPEDITED STUDY AND REPORT.—

(1) IN GENERAL.—The Secretary shall—

(A) expedite completion of the report for the study authorized by section 3061(d) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1121); and

(B) if the Secretary determines a project is justified in the completed report, proceed directly to project preconstruction engineering and design.

(2) FOCUS.—In expediting the completion of the study and report under paragraph (1), the Secretary shall focus on—

(A) the prevention of the spread of aquatic nuisance species between the Great Lakes and Mississippi River Basins, including through permanent hydrological separation of the Great Lakes and Mississippi River Basins; and

(B) the watersheds of the following rivers and tributaries associated with the Chicago Area Waterway System:

(i) The Illinois River, at and in the vicinity of Chicago, Illinois.

(ii) The Chicago River, Calumet River, North Shore Channel, Chicago Sanitary and Ship Canal, and Cal-Sag Channel in the State of Illinois.

(iii) The Grand Calumet River and Little Calumet River in the States of Illinois and Indiana.

(3) EFFICIENT USE OF FUNDS.—The Secretary shall ensure the efficient use of funds to maximize the timely completion of the study and report under paragraph (1).

(4) DEADLINE.—The Secretary shall complete the report under paragraph (1) by not later than 18 months after the date of enactment of this Act.

(5) INTERIM REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(A) interim milestones that will be met prior to final completion of the study and report under paragraph (1); and

(B) funding necessary for completion of the study and report under paragraph (1), including funding necessary for completion of each interim milestone identified under subparagraph (A).

SA 1040. Mr. SANDERS (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, line 13, strike the period at the end and insert '': *Provided further*, That of the funds made available under this heading to carry out building technology activities, $10,000,000 shall be made available to carry out geothermal heat pump research, development, and deployment activities.''.

SA 1041. Mr. MCCAIN (for himself, Mr. ROCKEFELLER, Mr. JOHANNS, Mr. BARRASSO, Mr. ENZI, Ms. MURKOWSKI, Mrs. MCCASKILL, Mr. BEGICH, Mr. COBURN, Mr. BLUNT, Mr. THUNE, Mr. HELLER, Mr. WEBB, Mr. MANCHIN, Mr. GRAHAM, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. 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.

SA 1042. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) Except as provided in subsection (b), none of the funds made available by this division may be used to purchase new passenger motor vehicles.

(b) This section shall not apply to the purchase of new passenger motor vehicles that will be used primarily for national security, law enforcement, public transit, safety, or research purposes.

(c) Not later than 30 days after the last day of fiscal year 2012, the head of each agency or department receiving funds under this division shall submit a report to Congress that contains—

(1) a complete inventory of the vehicles owned, permanently retired, or purchased by the agency or department during fiscal year 2012; and

(2) the total cost of the agency's or department's vehicle fleet during fiscal year 2012, including costs for vehicle maintenance, fuel, storage, purchasing, and leasing.

SA 1043. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. The Propane Education and Research Act of 1996 (15 U.S.C. 6401 et seq.) is repealed.

SA 1044. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel of the Department of Energy to oversee the Propane Education and Research Council established under section 4(a) of the Propane Education and Research Act of 1996 (15 U.S.C. 6403(a)).

SA 1045. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes;; which was ordered to lie on the table; as follows:

On page 40, line 10, after ''direction:'', insert the following: '' *Provided further*, That, of the amount made available under this heading (other than for program direction), $5,000,000 shall be available for natural gas technologies, $10,000,000 shall be available for unconventional fossil energy technologies:''.

SA 1046. Mr. KOHL (for himself, Ms. STABENOW, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, under the heading ''GENERAL PROVISIONS—DEPARTMENT OF ENERGY'', add the following:

SEC. 3_. UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.

Section 325(e) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)) is amended by adding at the end the following:

''(5) UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) COVERED WATER HEATER.—The term 'covered water heater' means—

''(I) a water heater; and

''(II) a storage water heater, instantaneous water heater, and unfired water storage tank (as defined in section 340).

''(ii) FINAL RULE.—The term 'final rule' means the final rule published under this paragraph.

''(B) PUBLICATION OF FINAL RULE.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters.

''(C) PURPOSE.—The purpose of the final rule shall be to replace with a uniform efficiency descriptor—

''(i) the energy factor descriptor for water heaters established under this subsection; and

''(ii) the thermal efficiency and standby loss descriptors for storage water heaters, instantaneous water heaters, and unfired water storage tanks established under section 342(a)(5).

''(D) EFFECT OF FINAL RULE.—

''(i) IN GENERAL.—Notwithstanding any other provision of this title, effective beginning on the effective date of the final rule, the efficiency standard for covered water heaters shall be denominated according to the efficiency descriptor established by the final rule.

''(ii) EFFECTIVE DATE.—The final rule shall take effect 1 year after the date of publication of the final rule under subparagraph (B).

''(E) CONVERSION FACTOR.—

''(i) IN GENERAL.—The Secretary shall develop a mathematical conversion factor for converting the measurement of efficiency for covered water heaters from the test procedures in effect on the date of enactment of this paragraph to the new energy descriptor established under the final rule.

''(ii) APPLICATION.—The conversion factor shall apply to models of covered water heaters affected by the final rule and tested prior to the effective date of the final rule.

''(iii) EFFECT ON EFFICIENCY REQUIREMENTS.—The conversion factor shall not affect the minimum efficiency requirements for covered water heaters otherwise established under this title.

''(iv) USE.—During the period described in clause (v), a manufacturer may apply the conversion factor established by the Secretary to rerate existing models of covered water heaters that are in existence prior to the effective date of the rule described in clause (v)(II) to comply with the new efficiency descriptor.

''(v) PERIOD.—Subclause (E) shall apply during the period—

''(I) beginning on the date of publication of the conversion factor in the Federal Register; and

''(II) ending on April 16, 2015.

''(F) EXCLUSIONS.—The final rule may exclude a specific category of covered water heaters from the uniform efficiency descriptor established under this paragraph if the Secretary determines that the category of water heaters—

''(i) does not have a residential use and can be clearly described in the final rule; and

''(ii) are effectively rated using the thermal efficiency and standby loss descriptors applied (as of the date of enactment of this paragraph) to the category under section 342(a)(5).

''(G) OPTIONS.—The descriptor set by the final rule may be—

''(i) a revised version of the energy factor descriptor in use as of the date of enactment of this paragraph;

''(ii) the thermal efficiency and standby loss descriptors in use as of that date;

''(iii) a revised version of the thermal efficiency and standby loss descriptors;

''(iv) a hybrid of descriptors; or

''(v) a new approach.

''(H) APPLICATION.—The efficiency descriptor and accompanying test method established under the final rule shall apply, to the maximum extent practicable, to all water heating technologies in use as of the date of enactment of this paragraph and to future water heating technologies.

''(I) PARTICIPATION.—The Secretary shall invite interested stakeholders to participate in the rulemaking process used to establish the final rule.

''(J) TESTING OF ALTERNATIVE DESCRIPTORS.—In establishing the final rule, the Secretary shall contract with the National Institute of Standards and Technology, as necessary, to conduct testing and simulation of alternative descriptors identified for consideration.

''(K) EXISTING COVERED WATER HEATERS.—A covered water heater shall be considered to comply with the final rule on and after the effective date of the final rule and with any revised labeling requirements established by the Federal Trade Commission to carry out the final rule if the covered water heater—

''(i) was manufactured prior to the effective date of the final rule; and

''(ii) complied with the efficiency standards and labeling requirements in effect prior to the final rule.''.

SA 1047. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading ''CONSTRUCTION, GENERAL'' under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''CORPS OF ENGINEERS—CIVIL, DEPARTMENT OF THE ARMY'', strike ''Inland Waterways Trust Fund'' and insert ''Inland Waterways Trust Fund: *Provided*, That the funding level for each Continuing Authorities Program authority shall not be less than the amounts specified in the table on page 32 of Senate Report 112–75, except that $15,000,000 shall be made available to carry out activities described in that table as Flood Control Projects (section 205)''.

SA 1048. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, between lines 2 and 3, insert the following:

SEC. 3___. The Secretary of Energy may authorize—

(1) the operation and maintenance of a Strategic Petroleum Reserve metering station and related equipment that is underutilized (as defined in section 102-75.50 of title 41, Code of Federal Regulations (or successor regulations)) on behalf of a private sector party; and

(2) the collection of a fee for the conduct of services described in paragraph (1) consistent with chapter 4 of the Atomic Energy Act of 1954 (42 U.S.C. 2051 et seq.) in an amount sufficient to cover the costs to the Federal Government of operation and maintenance described in paragraph (1).

SA 1049. Mr. BAUCUS (for himself, Mr. ROBERTS, Mr. BINGAMAN, Mrs. MCCASKILL, Ms. CANTWELL, Mr. NELSON, of Nebraska, Mr. HARKIN, Mr. PRYOR, Mr. TESTER, Mrs. MURRAY, Mr. MORAN, Mr. CRAPO, Mr. JOHNSON, of South Dakota, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and

water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. During fiscal year 2012, for purposes of section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)), the term ''payment of cash in advance'' shall be interpreted as payment before the transfer of title to, and control of, the exported items to the Cuban purchaser.

SA 1050. Mr. McCAIN (for himself, Mr. COBURN, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title III, at the end of the sections under the heading ''GENERAL PROVISIONS—DEPARTMENT OF ENERGY'', add the following:

SEC. ____. None of the funds made available by this Act may be used by the Secretary of Energy to issue loan guarantees that, in any circumstances at the time of, or subsequent to, the issuance of the loan guarantee, make the Secretary subordinate to other financing.

SA 1051. Mr. CORKER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 313. (a) Notwithstanding any other provision of law, the Secretary of State shall transfer $321,000,000 of amounts appropriated or otherwise made available for the Department of State by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012, to the Secretary of Energy for the National Nuclear Security Administration for weapons activities.

(b) The Administrator for Nuclear Security shall allocate the amount transferred under subsection (a) to the weapons activities of the National Nuclear Security Administration that the Administrator, in consultation with the Secretary of Defense, determines to be the highest priority.

SA 1052. Mr. COATS (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1____. None of the funds made available by this Act shall be expended to carry out any Federal action that would involve or lead to any hydrological separation between the Great Lakes and the Mississippi River Basins.

SA 1053. Ms. LANDRIEU (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IIII of division A, add the following:

SEC. _____. The Secretary of Energy shall use $2,000,000 for the support of the U.S.-Israeli energy cooperative agreement to be derived by transfer from the funds made available by this Act for salaries and expenses of the Department of Energy necessary for departmental administration under the heading ''DEPARTMENTAL ADMINISTRATION'', so that the total amount made available under that heading is $235,623,000 and the amount made available from the general fund is not more than $123,740,000.

SA 1054. Mr. BROWN, of Ohio (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, line 10, insert ''*Provided further,* That not less than $25,000,000 shall be used for the research, development, and demonstration of solid oxide fuel cell systems:'' after ''program direction:''.

SA 1055. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division A, add the following:

SEC. 5____. Notwithstanding title III of division A, none of the funds made available by this Act or previous Acts, making funds available for Energy and Water, shall be used to promulgate any regulation establishing energy-efficiency standards for televisions.

SA 1056. Mr. WICKER (for himself, Mr. INHOFE, Mr. SESSIONS, Mr. ROBERTS, Mr. PAUL, and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 527. FREEDOM OF CONSCIENCE OF MILITARY CHAPLAINS WITH RESPECT TO THE PERFORMANCE OF MARRIAGES.

A military chaplain who, as a matter of conscience or moral principle, does not wish to perform a marriage may not be required to do so.

SA 1057. Mr. WHITEHOUSE (for Mr. NELSON, of Florida) proposed an amendment to the resolution S. Res. 303, honoring the life, service, and sacrifice of Captain Colin P. Kelly Jr., United States Army; as follows:

In the preamble, amend the fourth and tenth clauses by striking ''December 10, 1941'' and inserting ''December 9, 1941''.

SA 1058. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I (under the heading ''CORPS OF ENGINEERS—CIVIL, DEPARTMENT OF THE ARMY''), add the following:

SEC. 1_____. In addition to any other funds made available under this Act, the Chief of Engineers shall use $1,250,000 to carry out activities under the heading ''GENERAL INVESTIGATIONS'' under the heading ''CORPS OF ENGINEERS—CIVIL'' to be derived by transfer from the funds made available by this Act under the heading ''GENERAL EXPENSES'' under the heading ''CORPS OF ENGINEERS—CIVIL'', so that the total amount made available under the heading ''GENERAL EXPENSES'' is $183,750,000 and the total amount made available under the heading ''GENERAL INVESTIGATIONS'' is $126,250,000.

SA 1059. Mr. COONS (for himself, Mr. CASEY, and Mr. TOOMEY) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 17, after ''Public Law 104–303;'' insert ''of which $30,000,000 shall be made available to carry out ongoing work relating to navigation, $13,000,000 shall be made available to carry out ongoing work relating to environmental restoration or compliance projects, $35,000,000 shall be made available to carry out ongoing work relating to environmental infrastructure projects, and $3,000,000 shall be made available to carry out the Aquatic Plant Control Program;''.

SA 1060. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 242, line 15, insert '': *Provided further,* That none of the funds made available under this heading or under any other provision of law, may be used to promote or support the operations of Radio Marti or TV Marti'' before the period at the end.

On page 242, line 21, strike ''including to Cuba,''.

SA 1061. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division C, add the following:

SEC. 7088. None of the funds appropriated or otherwise made available by this division may be obligated or expended to implement new programs or expand existing programs of the International Pacific Halibut Commission until the Secretary of State determines that the Commission has sufficient funds available to cover the overhead costs of the Commission.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 16, 2011, at 9 a.m. to conduct a hearing entitled ''Weeding Out Bad Contractors: Does the Government Have the Right Tools?''

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

COMMITTEE ON THE JUDICIARY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on November 16, 2011, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

SUBCOMMITTEE ON SECURITIES, INSURANCE, AND INVESTMENT

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Securities, Insurance, and Investment be authorized to meet during the session of the Senate on November 16, 2011, at 9:30 a.m., to conduct a hearing entitled ''Management and Structural Reforms at the SEC: A Progress Report.''

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

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND THE COAST GUARD

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 16, 2011, at 10:30 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Weathering Change: Need for Continued Innovation in Forecasting and Prediction.''

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

PRIVILEGES OF THE FLOOR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that Val Molaison, a fellow in Senator TESTER's office, be granted floor privileges for the duration of today's session.

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

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Adam Christensen, a congressional science fellow assigned to my office, be granted floor privileges during consideration of this bill.

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

Ms. LANDRIEU. Mr. President, I ask unanimous consent that Miles Chiotti, an intern from Senator GRASSLEY's office, have floor privileges for the remainder of the day.

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

COMMEMORATING THE 50TH ANNIVERSARY OF THE COMBINED FEDERAL CAMPAIGN

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 229, S. Res. 296.

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

The legislative clerk read as follows:

A resolution (S. Res. 296) commemorating the 50th anniversary of the Combined Federal Campaign.

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

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

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

The resolution (S. Res. 296) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 296

Whereas the Combined Federal Campaign was established pursuant to Executive Order 10927 (26 Fed. Reg. 2383) signed by President John F. Kennedy on March 18, 1961;

Whereas the Combined Federal Campaign is the only authorized charitable fundraising campaign for Federal employees, employees of the United States Postal Service, and members of the armed forces;

Whereas the Combined Federal Campaign operates in more than 119 localities throughout the United States, Puerto Rico, the United States Virgin Islands, and overseas military installations;

Whereas more than 20,000 nonprofit charitable organizations participate annually in the Combined Federal Campaign;

Whereas the men and women of the Federal Government, the United States Postal Service, and the Armed Forces have contributed approximately $7,000,000,000 to local, national, and international charities over the past 50 years, making the Combined Federal Campaign the largest and most successful workplace charitable drive in the world; and

Whereas commemorating the 50th anniversary of the Combined Federal Campaign will thank public servants whose generous contributions over the years have helped to feed hungry children, cure disease, comfort the sick and dying, protect the environment and natural resources of the United States, and offered hope to people and communities across the United States and worldwide: Now, therefore, be it

Resolved, That the Senate:

(1) commemorates the 50th anniversary of the Combined Federal Campaign;

(2) commends public servants of the United States for their unyielding dedication, generosity, and spirit of charitable giving;

(3) calls upon the new generation of Federal employees, employees of the United States Postal Service, and members of the Armed Forces to participate annually in the Combined Federal Campaign;

(4) encourages all Federal employees, employees of the United States Postal Service, and members of the Armed Forces to continue their philanthropic efforts for the betterment of the less fortunate; and

(5) urges the people of the United States to observe the 50th anniversary of the Combined Federal Campaign with appropriate ceremonies and activities.

EXPRESSING SUPPORT FOR IMPROVEMENT REGARDING RECYCLED MATERIALS IN THE UNITED STATES

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of S. Res. 251 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 251) expressing support for improvement in the collection, processing, and consumption of recycled materials throughout the United States.

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

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

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

The resolution (S. Res. 251) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 251

Whereas maximizing the recycling economy in the United States will create and sustain additional well-paying jobs in the United States, further stimulate the economy of the United States, save energy, and conserve valuable natural resources;

Whereas recycling is an important action that people in the United States can take to be environmental stewards;

Whereas municipal recycling rates in the United States steadily increased from 6.6 percent in 1970 to 28.6 percent in 2000, but since 2000, the rate of increase has slowed considerably;

Whereas a decline in manufacturing in the United States has reduced both the supply of and demand for recycled materials;

Whereas recycling allows the United States to recover the critical materials necessary to sustain the recycling economy and protect national security interests in the United States;

Whereas recycling plays an integral role in the sustainable management of materials throughout the life-cycle of a product;

Whereas 46 States have laws promoting the recycling of materials that would otherwise be incinerated or sent to a landfill;

Whereas more than 10,000 communities in the United States have residential recycling and drop-off programs that collect a wide variety of recyclable materials, including paper, steel, aluminum, plastic, glass, and electronics;

Whereas, in addition to residential recycling, the scrap recycling industry in the United States manufactures recyclable materials collected from businesses into commodity-grade materials;

Whereas those commodity-grade materials are used as feedstock to produce new basic materials and finished products in the United States and throughout the world;

Whereas recycling stimulates the economy and plays an integral role in sustaining manufacturing in the United States;

Whereas, in 2010, the United States recycling industry collected, processed, and consumed over 130,000,000 metric tons of recyclable material, valued at $77,000,000,000;

Whereas many manufacturers use recycled commodities to make products, saving energy and reducing the need for raw materials, which are generally higher-priced;

Whereas the recycling industry in the United States helps balance the trade deficit and provides emerging economies with the raw materials needed to build countries and participate in the global economy;

Whereas, in 2010, the scrap recycling industry in the United States sold over 44,000,000 metric tons of commodity-grade materials, valued at almost $30,000,000,000, to over 154 countries;

Whereas recycling saves energy by decreasing the amount of energy needed to manufacture the products that people build, buy, and use;

Whereas using recycled materials in place of raw materials can result in energy savings of 92 percent for aluminum cans, 87 percent for mixed plastics, 63 percent for steel cans, 45 percent for recycled newspaper, and 34 percent for recycled glass; and

Whereas a bipartisan Senate Recycling Caucus and a bipartisan House Recycling Caucus were established in 2006 to provide a permanent and long-term way for members of Congress to obtain in-depth knowledge about the recycling industry and to help promote the many benefits of recycling: Now, therefore, be it

Resolved, That the Senate—

(1) expresses support for improvement in the collection, processing, and consumption of recyclable material throughout the United States in order to create well-paying jobs, foster innovation and investment in the United States recycling infrastructure, and stimulate the economy of the United States;

(2) expresses support for strengthening the manufacturing base in the United States in order to rebuild the domestic economy, which will increase the supply, demand, and consumption of recyclable and recycled materials in the United States;

(3) expresses support for a competitive marketplace for recyclable materials;

(4) expresses support for the trade of recyclable commodities, which is an integral part of the domestic and global economy;

(5) expresses support for policies in the United States that promote recycling of materials, including paper, which is commonly recycled rather than thermally combusted or sent to a landfill;

(6) expresses support for policies in the United States that recognize and promote recyclable materials as essential economic commodities, rather than wastes;

(7) expresses support for policies in the United States that promote using recyclable materials as feedstock to produce new basic materials and finished products throughout the world;

(8) expresses support for research and development of new technologies to more efficiently and effectively recycle materials such as automobile shredder residue and cathode ray tubes;

(9) expresses support for research and development of new technologies to remove materials that are impediments to recycling, such as radioactive material, polychlorinated biphenyls, mercury-containing devices, and chlorofluorocarbons;

(10) expresses support for Design for Recycling, to improve the design and manufacture of goods to ensure that, at the end of a useful life, a good can, to the maximum extent practicable, be recycled safely and economically;

(11) recognizes that the scrap recycling industry in the United States is a manufacturing industry that is critical to the future of the United States;

(12) expresses support for policies in the United States that establish the equitable treatment of recycled materials; and

(13) expresses support for the participation of households, businesses, and governmental entities in the United States in recycling programs, where available.

HONORING THE LIFE, SERVICE, AND SACRIFICE OF CAPTAIN COLIN P. KELLY, JR., UNITED STATES ARMY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Res. 303 and that the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 303) honoring the life, service, and sacrifice of Captain Colin P. Kelly, Jr., United States Army.

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

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to; the Nelson amendment to the preamble, which is at the desk, be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table with no intervening action or debate; and that any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 303) was agreed to.

The amendment (No. 1057) was agreed to as follows:

(Purpose: To amend the preamble by modifying a date)

In the preamble, amend the fourth and tenth clauses by striking ''December 10, 1941'' and inserting ''December 9, 1941''.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

S. RES. 303

Whereas Captain Colin P. Kelly, Jr., was born in Madison, Florida, in 1915 and graduated from that community's high school in 1932;

Whereas Captain Kelly attended the United States Military Academy at West Point, New York, graduating in 1937 and was assigned to a B–17 bomber group;

Whereas Captain Kelly was stationed in the Philippines as a B–17 pilot in the Army Air Corps when the United States came under Japanese attack on December 7, 1941;

Whereas, on December 9, 1941, when Clark Field in the Philippines was attacked by Japanese forces, Captain Kelly and his 7 crew members, Lieutenant Joe M. Bean, Second Lieutenant Donald Robins, Staff Sergeant James E. Halkyard, Technical Sergeant William J. Delehanty, Sergeant Meyer S. Levin, Private First Class Willard L. Money, and Private First Class Robert E. Altman, were sent to locate and sink a Japanese Aircraft Carrier, one of the first bombing missions of World War II;

Whereas the crew, commanded by Captain Kelly, located Japanese warships operating off the Luzon Coast, and during the mission successfully hit a large Japanese warship;

Whereas on the return flight to Clark Field, the B–17 came under attack by 2 enemy aircraft and was critically damaged;

Whereas Captain Kelly ordered his crew to bail out while he remained at the controls;

Whereas Captain Kelly continued to operate the controls as the 6 surviving crew members bailed out and parachuted safely to the ground, despite remaining under fire during the descent;

Whereas the B–17 crashed near Clark Field, killing Captain Kelly, who had remained at the controls so his crew had time to evacuate the aircraft;

Whereas Captain Kelly was posthumously awarded the Distinguished Service Cross for his heroic actions on December 9, 1941; and

Whereas the Four Freedoms Monument in Madison, Florida was commissioned by President Franklin D. Roosevelt and dedicated in Captain Kelly's memory in 1943: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Captain Colin P. Kelly, Jr., as an Army officer and pilot of the highest caliber, upholding the Army's core values of loyalty, duty, respect, selfless service, honor, integrity, and personal courage;

(2) commends Captain Kelly for his service to the United States during the first days of World War II; and

(3) honors the sacrifice made by Captain Kelly, giving his own life to save the lives of his crew.

DESIGNATING NOVEMBER 17, 2011, AS FEED AMERICA DAY

SUPPORTING THE GOALS AND IDEALS OF AMERICAN DIABETES MONTH

DESIGNATING THE WEEK OF NOVEMBER 14 THROUGH 20, 2011, AS GLOBAL ENTREPRENEURSHIP WEEK/USA

RECOGNIZING NATIONAL NATIVE AMERICAN HERITAGE MONTH AND CELEBRATING HERITAGES AND CULTURES OF NATIVE AMERICANS AND CONTRIBUTIONS OF NATIVE AMERICANS TO THE UNITED STATES

DESIGNATING JANUARY 27, 2012, AS NATIONAL DAY OF REMEMBRANCE FOR AMERICANS WHO WORKED AND LIVED DOWNWIND FROM NUCLEAR TESTING SITES DURING THE COLD WAR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 326, S. Res. 327, S. Res. 328, S. Res. 329, and S. Res. 330.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. AKAKA. Madam President, as chairman of the Committee on Indian Affairs, I am sponsoring a resolution, cosponsored by Majority Leader REID, Vice Chairman BARRASSO, and several members of the committee, designating November as Native American Heritage Month and November 25 of this year as Native American Heritage Day.

This resolution recognizes the contributions of Native Americans. We see the influence of the Iroquois Confederacy on the Founding Fathers of our country as they drafted the Constitution. And today, Native American contributions in modern agriculture, medicine, music, language, and art are undeniable. In that tradition of service, Native Americans have had the highest representation, per capita, in our Armed Forces in every war since World War II.

As a veteran of World War II and as a Native Hawaiian, I celebrate the heroic work of the Code Talkers, and the countless American military victories that were achieved in both World Wars with the unbreakable military code founded on indigenous languages and cultures.

As we reflect on Native American Heritage Month, it is important to remember our history and the promises we made. It is time to account for those promises, kept and unkept.

As a nation, we were built on the highest principles. Our Founding Fathers embraced equality, liberty, and justice and incorporated them into the very fabric of our Constitution. They contemplated the unique role of indigenous peoples in our country, and acknowledge their sovereignty in article I, section 8 of the Constitution.

The Founding Fathers set a high standard. As Americans and as Members of this body, it is our duty to continue to legislate policies in keeping with our founding principles. For this reason, I applaud President Obama's recent commitment of U.S. support for the United Nations Declaration on the Rights of Indigenous Peoples—an international standard that I have been championing for more than a decade.

In the Committee on Indian Affairs, I held an oversight hearing on domestic policy implications of the declaration. We found that while the United States is a world leader in recognizing and protecting the rights of indigenous peoples, there is more work to do. The rights of self-determination and self-governance contained in the declaration are American ideas, ones we have embraced as official Federal policy for more than 45 years. I am committed to working with my colleagues to enact legislation that gives real meaning to the high principles expressed in the United Nations Declaration on the Rights of Indigenous Peoples.

In the United States, November—Native American Heritage Month—is a time when we reflect and give thanks. I encourage my fellow Americans to learn more about the Native peoples of this land and celebrate Native American Heritage Day on the day after Thanksgiving.

As we honor the contributions of Native Americans, let us recommit ourselves to the high principles of self-determination and self-governance and strive for what is ''pono,'' just and right, for all, including our first Americans.

Mr. WHITEHOUSE. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc with no intervening action or debate, and that any statements related to the resolutions be printed in the RECORD.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 326

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which the United States was founded;

Whereas, according to the Department of Agriculture, roughly 48,000,000 people in the United States, including 16,200,000 children, continue to live in households that do not have an adequate supply of food; and

Whereas selfless sacrifice breeds a genuine spirit of thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

Resolved, That the Senate—

(1) designates Thursday, November 17, 2011, as ''Feed America Day''; and

(2) encourages the people of the United States to sacrifice 2 meals on Thursday, November 17, 2011, and to donate the money that would have been spent on that food to the religious or charitable organization of their choice for the purpose of feeding the hungry.

S. RES. 327

Whereas according to the Centers for Disease Control and Prevention (referred to in this preamble as ''CDC''), nearly 26,000,000 people of the United States have diabetes and 79,000,000 people of the United States have pre-diabetes

Whereas diabetes is a serious chronic condition that affects people of every age, race, ethnicity, and income level;

Whereas the CDC reports that Hispanic, African, Asian, and Native Americans are disproportionately affected by diabetes and suffer from diabetes at rates that are much higher than the general population;

Whereas according to the CDC, someone is diagnosed with diabetes every 17 seconds;

Whereas each day, approximately 5,082 people are diagnosed with diabetes;

Whereas in 2010, the CDC estimated that approximately 1,900,000 individuals aged 20 and older were newly diagnosed with diabetes;

Whereas a joint National Institutes of Health and CDC study found that approximately 15,000 youth in the United States are diagnosed with type 1 diabetes annually and approximately 3,600 youth are diagnosed with type 2 diabetes annually;

Whereas according to the CDC, between 1980 and 2007, diabetes prevalence in the United States increased by more than 300 percent;

Whereas the CDC reports that over 27 percent of individuals with diabetes are undiagnosed;

Whereas the National Diabetes Fact Sheet issued by the CDC states that more than 11 percent of adults of the United States and 26.9 percent of people of the United States age 60 and older have diabetes;

Whereas the CDC estimates as many as 1 in 3 American adults will have diabetes in 2050 if present trends continue;

Whereas the CDC estimates that as many as 1 in 2 Hispanic, African, Asian, and Native American adults will have diabetes in 2050 if present trends continue;

Whereas according to the American Diabetes Association, in 2007, the total cost of diagnosed diabetes in the United States was $174,000,000,000, and 1 in 10 dollars spent on health care was attributed to diabetes and its complications;

Whereas according to a Lewin Group study, in 2007, the total cost of diabetes (including both diagnosed and undiagnosed diabetes, pre-diabetes, and gestational diabetes) was $218,000,000,000;

Whereas a Mathematica Policy Research study in 2007 found that, for each fiscal year, total expenditures for Medicare beneficiaries with diabetes comprise 32.7 percent of the Medicare budget;

Whereas according to the CDC, diabetes was the seventh leading cause of death in 2007 and contributed to the deaths of over 230,000 Americans in 2007;

Whereas there is not yet a cure for diabetes;

Whereas there are proven means to reduce the incidence of, and delay the onset of, type 2 diabetes;

Whereas with the proper management and treatment, people with diabetes live healthy, productive lives; and

Whereas American Diabetes Month is celebrated in November: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of American Diabetes Month, including—

(A) encouraging the people of the United States to fight diabetes through public awareness about prevention and treatment options; and

(B) increasing education about the disease;

(2) recognizes the importance of early detection of diabetes, awareness of the symptoms of diabetes, and the risk factors that often lead to the development of diabetes, including—

(A) being over the age of 45;

(B) having a specific racial and ethnic background;

(C) being overweight;

(D) having a low level of physical activity level;

(E) having high blood pressure; and

(F) having a family history of diabetes or a history of diabetes during pregnancy; and

(3) supports decreasing the prevalence of type 1, type 2, and gestational diabetes in the United States through increased research, treatment, and prevention.

S. RES. 328

Whereas research has shown that between 1980 and 2005 the majority of jobs in the United States were created by entrepreneurs and the young companies of those entrepreneurs;

Whereas the economy and society of the United States, as well as the country as a whole, have greatly benefitted from the everyday use of breakthrough innovations developed and brought to market by entrepreneurs;

Whereas Global Entrepreneurship Week/USA is an initiative to celebrate the innovators and job creators who launch startups that bring ideas to life, drive economic growth, and improve human welfare;

Whereas Global Entrepreneurship Week/USA helps existing and aspiring entrepreneurs to acquire the knowledge, skills, and networks needed to create vibrant enterprises that will improve the lives and communities of the entrepreneurs;

Whereas, in 2010, more than 445,896 individuals participated in the more than 3,200 entrepreneurial activities held in the United States alone during Global Entrepreneurship Week;

Whereas, in 2010, more than 1,300 partner organizations participated in Global Entrepreneurship Week/USA, including startup accelerators, business incubators, chambers of commerce, institutions of higher education, high schools, businesses, and State and local governments; and

Whereas, in 2011, thousands of organizations in the United States will join in the celebration by planning activities designed to inspire, connect, mentor, and engage the next generation of entrepreneurs throughout Global Entrepreneurship Week/USA: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 14 through 20, 2011, as ''Global Entrepreneurship Week/USA''; and

(2) supports the goals of Global Entrepreneurship Week/USA, including—

(A) inspiring young people everywhere to embrace innovation, imagination, and creativity; and

(B) training the next generation of entrepreneurial leaders.

S. RES. 329

Whereas from November 1, 2011, through November 30, 2011, the United States celebrates National Native American Heritage Month;

Whereas Native Americans are descendants of the original, indigenous inhabitants of what is now the United States;

Whereas the United States Bureau of the Census estimated in 2009 that there were almost 5,000,000 individuals in the United States of Native American descent;

Whereas Native Americans maintain vibrant cultures and traditions and hold a deeply rooted sense of community;

Whereas Native Americans have moving stories of tragedy, triumph, and perseverance that need to be shared with future generations;

Whereas Native Americans speak and preserve indigenous languages, which have contributed to the English language by being used as names of individuals and locations throughout the United States;

Whereas Congress has recently reaffirmed its support of tribal self-governance and its commitment to improving the lives of all Native Americans by enhancing health care services, increasing law enforcement resources, and approving settlements of litigation involving Indian tribes and the United States;

Whereas Congress is committed to improving the housing conditions and socioeconomic status of Native Americans;

Whereas the United States is committed to strengthening the government-to-government relationship that it has maintained with the various Indian tribes;

Whereas Congress has recognized the contributions of the Iroquois Confederacy, and its influence on the Founding Fathers in the drafting of the Constitution of the United States with the concepts of freedom of speech, the separation of governmental powers, and the system of checks and balances between the branches of government;

Whereas with the enactment of the Native American Heritage Day Act of 2009 (Public Law 111–33; 123 Stat. 1922), Congress—

(1) reaffirmed the government-to-government relationship between the United States and Native American governments; and

(2) recognized the important contributions of Native Americans to the culture of the United States;

Whereas Native Americans have made distinct and important contributions to the United States and the rest of the world in many fields, including the fields of agriculture, medicine, music, language, and art, and Native Americans have distinguished themselves as inventors, entrepreneurs, spiritual leaders, and scholars;

Whereas Native Americans have served with honor and distinction in the Armed Forces of the United States, and continue to serve in the Armed Forces in greater numbers per capita than any other group in the United States;

Whereas the United States has recognized the contribution of the Native American code talkers in World War I and World War II, who used indigenous languages as an unbreakable military code, saving countless Americans; and

Whereas the people of the United States have reason to honor the great achievements and contributions of Native Americans and their ancestors: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the month of November 2011 as National Native American Heritage Month;

(2) recognizes the Friday after Thanksgiving as ''Native American Heritage Day'' in accordance with the Native American Heritage Day Act of 2009 (Public Law 111–33; 123 Stat. 1922); and

(3) urges the people of the United States to observe National Native American Heritage Month and Native American Heritage Day with appropriate programs and activities.

S. RES. 330

Whereas on January 27, 1951, the first of years of nuclear weapons tests was conducted at a site known as the Nevada Proving Ground, located approximately 65 miles northwest of Las Vegas, Nevada;

Whereas the extensive testing at the Nevada Proving Ground came just years after the first ever nuclear weapon test, which was conducted on July 16, 1945, at what is known as the Trinity Atomic Test Site, located approximately 35 miles south of Socorro, New Mexico;

Whereas many Americans who, during the Cold War, worked and lived downwind from nuclear testing sites (referred to in this preamble as ''downwinders'') were adversely affected by the radiation exposure generated by the above ground nuclear weapons testing, and some of the downwinders sickened as a result of the radiation exposure;

Whereas the downwinders paid a high price for the development of a nuclear weapons program for the benefit of the United States; and

Whereas the downwinders deserve to be recognized for the sacrifice they have made for the defense of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates January 27, 2012, as a national day of remembrance for Americans who, during the Cold War, worked and lived downwind from nuclear testing sites and were adversely affected by the radiation exposure generated by the above ground nuclear weapons testing; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate January 27, 2012.

ORDERS FOR THURSDAY, NOVEMBER 17, 2011

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate stand adjourned until 10 a.m. on Thursday, November 17, 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 Republicans controlling the first half and the majority controlling the final half; and that following morning business, the Senate proceed to the consideration of S. 1867, the Department of Defense Authorization Act, under the previous order.

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

PROGRAM

Mr. WHITEHOUSE. Mr. President, we expect to receive the conference report, which contains the continuing resolution, from the House tomorrow. Senators will be notified when votes are scheduled.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. WHITEHOUSE. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:51 p.m., adjourned until Thursday, November 17, 2011, at 10 a.m.