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Senate

The Senate met at 2 p.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

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

Let us pray:

Lord God Omnipotent, You are above all nations. Take our lives and use them for Your purposes. Lord, cleanse our hearts, forgive our sins, and teach us to amend our ways as Your transforming grace changes our lives.

Today, inspire our Senators to be true servants of Your will. In these challenging times, give them the wisdom to labor for justice, to love mercy, and to walk humbly with You. Keep their minds and spirits steady as they strive to please You. We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS 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, February 13, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 4:30 p.m. with Senators permitted to speak therein for up to 10 minutes each.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 4:30 p.m. today. Following morning business, the Senate will go to executive session to consider the nomination of Adalberto Jordan to be a circuit judge for the Eleventh Circuit. At 5:30 p.m., there will be a cloture vote on the Jordan nomination. We hope to be able to yield back postcloture time and confirm this nomination this evening.

SURFACE TRANSPORTATION ACT

Mr. REID. Mr. President, in the 1950s, America embarked on the largest public works project in its history: a new web of interstate highways. This came about as a result of then-President Eisenhower reflecting upon a time when he was given an assignment as a young major to bring a caravan of vehicles across the country as part of his duties in the Army. It was a terrible experience—roads were dilapidated, rutted—and it was something he never forgot.

When he became President of the United States, he decided something should be done about that. This was a tremendous undertaking; 47,000 miles of highways would, for the first time, connect businesses and communities from sea to shining sea. President Eisenhower—of course, a Republican—said the investment would pave the way for a new era of American growth. He said:

America will be a nation of great prosperity, but will be more than that: it will be a nation that is going ahead every day. . . . The expanding horizon is one that staggers the imagination.

President Eisenhower said a new highway system was essential to our economy, our safety, and our progress as a nation. That is just as true today as it was in 1954.

Today, America depends on more than 4 million miles of roadways to keep our economy humming. We use those roads to take the kids across town to school and to take products across the Nation to market. But the system of highways, roadways, railways, and bridges upon which the American economy depends—and in which we invested our great resources during the last century—has fallen into a state of disrepair.

This is hard to comprehend, but more than 70,000 of our bridges are structurally deficient. They need major repairs or need to be replaced completely—70,000 bridges. Every month in America enough pedestrians are killed to fill a jumbo jet. Many of these deaths could have been prevented by proper sidewalks and crosswalks. Bus and train ridership grows every year while public transportation dollars shrink every year. One of every five miles of American roads is not up to safety standards.

Let me repeat: We have 70,000 bridges that are structurally deficient, and we

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

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have 20 percent of our roads not up to safety standards. Crumbling infrastructure is a terrible drag on our economy. But this crisis is also an opportunity. By rebuilding our transportation system, we can put 2 million Americans back to work and boost our economy right away.

The surface transportation bill that is on the Senate floor this week is one of the most important pieces of legislation we will consider the entire year. It will help modernize our transit system, rebuild America's roads and bridges, and create or save millions of middle-class jobs. And, it will do it in a fiscally responsible way.

Democrats and Republicans agree that making America's transportation system great again will boost our economy, and that is what this bill is all about. It is a bipartisan bill sponsored, of course, by the chairman of the committee BARBARA BOXER and the ranking member of the committee Senator INHOFE.

President Reagan called a world-class transportation system an investment in tomorrow that we must make today. So it is no wonder this strong bipartisan surface transportation legislation passed the committee unanimously. I am cautiously optimistic that spirit of cooperation will continue this week.

I hope the junior Senator from South Carolina did not speak for the majority of Republicans last week when he said, ''We don't have shared goals with the Democrats.'' I would like to believe Republicans share our goal of strengthening the economy and creating millions of jobs for American workers. I would like to believe they share a goal, as Eisenhower and Clinton and Reagan did, of rebuilding a world-class transportation system to support a world-class economy.

This week Republicans have an opportunity to prove they share these goals. The surface transportation jobs bill is too important to get bogged down with ideological amendments. Unrelated legislation that would limit women's access to health care has no place on a transportation bill. So let's stay laser-focused on our most important task: putting 2 million Americans back to work rebuilding our roadways and railways. Together we can keep this Nation, as President Eisenhower said, ''moving ahead every day.''

RECOGNITION OF THE MINORITY LEADER

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

THE BUDGET

Mr. MCCONNELL. Mr. President, President Obama released a budget today that isn't really a budget at all. It is a campaign document. The President's goal isn't to solve our problems but to ignore them for another year, which will only ensure they get even worse. Once again, the President is shirking his responsibility to lead by using this budget to divide us.

The game plan is perfectly clear. Rather than reach out to Congress to craft a consensus budget, the President will take this budget on the road, as he did today, and talk about the parts he thinks audiences will like. What he will not say is that it is bad for job creation, bad for seniors, and it will make the economy worse.

The President's budget is bad for jobs because it includes the biggest tax hike in history and continues policies such as the Democrats' health care law that is making it harder for small businesses to hire.

A little more than a year ago, the President extended current tax rates because he thought raising them would be bad for jobs. Today he will call for raising them anyway because he thinks it is good for him.

The President's budget is bad for our seniors because it doesn't protect the security of Medicare and Social Security and assures those programs keep careening toward insolvency.

The President's budget is bad for our country's economic security because yet again the President failed to take the prime opportunity this budget provides to address the Nation's $15 trillion debt.

Contrary to the President's claims out on the road, this budget is literally loaded with deficit reduction gimmicks that would trigger an IRS audit for anybody else and make our current economic situation even worse.

Now, the President isn't going to mention any of those things, but Americans deserve to know the whole truth about this budget. They deserve to know why the President's own party doesn't want to vote on it and why his own top advisers are trying to deflect serious questions about what is really going on here.

Yesterday, the President's Chief of Staff said the reason this budget will not get anywhere in the Senate is because it would take 60 votes to pass—60 votes to pass—and the Democrats don't have that many votes on their own.

Well, I would suggest Mr. Lew review his Sunday briefing materials a little more closely next time. As someone who has run the Office of Management and Budget for two different Presidents, he knows as well as anybody in Washington a simple majority is all it takes to pass a budget resolution in the Senate, a simple majority. In other words, Democrats could pass this President's budget without a single Republican vote—not one.

The inconvenient truth that President Obama and his own top advisers don't want to admit is that this budget isn't going anywhere because the President's own party doesn't want to have anything whatsoever to do with it. Indeed, the majority leader in the Senate has already declared it ''dead on arrival.''

Now, Jack Lew knows this as well as I do, and the fact that he does proves beyond any doubt the President has no intention of this budget ever actually being implemented. If he can't even count on members of his own party to support it, who does he expect is going to support it?

The truth is, Democrats want to have it both ways. The President wants to be able to take his budget around the country to talk about the parts of it he thinks people will like, and Democrats in Congress want to be able to avoid a vote on it because it is so damaging for job creation and seniors and the economy.

Well, if anybody wants to know what a failure of leadership looks like, this is it. This is it. Three years ago, President Obama promised to cut the Federal deficit in half by the end of his first term. He hasn't even come close. Here he is once again proposing the same failed policies that have prolonged this economic crisis well into the President's fourth year in office. After the national debt increased under his watch by more than 40 percent, he is still throwing good money after bad. He is still spending money we don't have on things we don't need. He still refuses to lead.

Democrats in Congress have been more than happy to enable him. They haven't passed a budget of their own in 3 years, and all indications are they will not pass one this year either—a failure of congressional leadership that will surely go down in history. At this point, nothing seems capable of rousing this President to action. Every day we hear the alarm bells sounding from across the Atlantic. It doesn't seem to phase him. Every day we hear the warnings from experts and economists that our fiscal situation is unsustainable.

Just a few months ago, the unthinkable happened when America's credit rating was actually lowered for the first time in history.

What is this President's response? A budget he knows even his own party will not support. That is his response to this $15 trillion debt. So this is a charade—a charade. The only question is when this President's own refusal to lead will catch up to all the rest of us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I wish to continue the comments along the line of our distinguished Republican leader and talk about the President's proposed budget that was released today.

Unfortunately, the President's budget proposes more debt, more spending, and higher taxes. It is bad news for job creation and for America's job creators and portends nothing good; indeed, only does it portend ominously for our country getting back on the right economic track and creating the kind of growth that will generate jobs and prosperity.

The President's proposed budget again ignores his own bipartisan fiscal

commission, the Simpson-Bowles Commission, which concluded in December of 2010 that America faced ''a moment of truth'' because we simply had spent more money than we were taking in for too long and had accumulated too much debt, which was killing economic growth and threatening to turn us into a Western European country, which we see today that the eurozone is in jeopardy.

One week from today, millions of Americans will celebrate President's Day, our national holiday that honors all our Commanders in Chief. But this year, President Obama will share a distinction that no other President has ever had: He has proposed a budget that dwarfs all the debt accumulated over more than 22 decades by all his predecessors.

When President Obama took office in January 2009, the national debt was about $10 trillion or, broken down for every man, woman, and child in America, about $33,000, something that neither political party could be particularly proud of.

Today it is far worse: more than $15 trillion, an increase of more than 50 percent in 3 years. Under this budget proposal that the President released today, Federal borrowing will never stop. The national debt will more than double to $26 trillion or $75,000 for every man, woman, and child in America. Simply put, the President's proposed budget makes it worse, not better.

We all know we can't keep this up. The sad part is the President understands this too but simply refuses to provide the leadership necessary to put us on the right path.

We have heard it before, but I will repeat it. Former Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, said the debt is the biggest threat to our national security. How could that be? It is because, as Admiral Mullen knows and we are now learning, when we live in fiscally constrained times, some of the first cuts that occur are to the Defense Department. In fact, while the Defense Department incurs roughly 20 percent of discretionary spending, it has so far been planned for 50 percent of the cuts, increasing the national security risk to every American.

After promising the American people he would cut the deficit in half by the end of his first term, the President's most recent plan means America will have an annual deficit of more than $1 trillion for every year of his Presidency. That is right, $1 trillion of deficit for each of the 4 years of his first term in office. This is unprecedented and dangerous. It is dangerous to our prosperity and to our Nation's future.

While the President seems to be unwilling to come to grips with the nature of our debt crisis, my constituents in Texas understand that the national debt poses very real security risks because they are already beginning to see the cuts that are occurring or are planned in our national security spending. My constituents in Texas are also concerned, in a State that happens to be growing faster than almost any other part of the country, that the threat of higher taxes discourages the people to whom we look to create jobs, to start new businesses.

Rather than have a comprehensive review of our Tax Code, as the Simpson-Bowles Commission proposed, this budget proposes to target certain industries, such as the domestic oil and gas industry, despite rising prices at the pump. The White House seems oblivious to what would happen to the jobs that are generated by this industry and all the revenue the government would lose if we outsource even more of our energy production to foreign Nations.

The President appears to feel like small businesses are undertaxed because the so-called millionaire's tax he has proposed will hit many small businesses that we depend upon to create jobs. Indeed, as Senator MCCONNELL just acknowledged, it was only December of 2010 when the President himself agreed to extend expiring tax provisions because, as he stated, higher taxes would be the last thing we would want to do during a fragile economic recovery because we know it will serve as a wet blanket; it will be a disincentive on job creation.

We need a serious discussion on tax reform. The Simpson-Bowles Commission made a responsible proposal—not perfect but a good start. But the President has simply ignored the recommendations of his own bipartisan commission since those recommendations were made in December of 2010.

The President's budget also proposes about $1.9 trillion in new taxes, as I indicated. The good news, from my perspective, is that we already had a number of votes last year on these kinds of tax increases, and the Congress has rejected them. The bad news is these assumed tax increases help mask the true size of the deficits in the President's proposed budget and will do damage to any hope of sustained job creation.

Then there is the phony accounting, the gimmicks. Unfortunately, all we have to do is look at the Gallup poll to see in what regard Congress is held; and it is the kind of gamesmanship and the gimmicks in this budget which contribute to people's cynicism about their elected officials and about their government.

What does the President do? He says we are going to save money from future war spending, and we are going to use that as an offset for new spending and to reduce the deficit. But I have to observe, that is cynical at best. His budget is claiming artificial savings from money that never would be spent in the first place for wars that hopefully will never be fought. But he is saying, because we will not fight this unspecified war, then we are going to take that savings as if we would and save it and offset it to try to balance the budget.

Even this gimmick cannot hide the fact the President wants to continue the record-level stimulus spending that began on his watch. You will recall Christina Romer, head of the White House Council of Economic Advisers, told us if we just pass this $787 billion stimulus bill, unemployment will never go above 8 percent.

If we go back and look at those same charts and what they say about the first quarter of 2012, they project unemployment at 6 percent. Obviously, that stimulus failed to meet its own projections, and what President Obama wants us to do is more of the same and to spend more borrowed money.

The vacuum of leadership that starts at the White House extends, unfortunately, to this Chamber, a Senate led by Majority Leader REID, in which he has no plans to present a budget for the third year in a row. Even before the President released his budget, the Senate majority leader already told the American people the Senate will ignore it. He was quoted in the press saying it would be foolish for the majority to propose a budget.

Why? Because he doesn't want to subject members of his own caucus to hard votes, to tough decisions. These are exactly the kinds of tough decisions the American people sent us to make, and these are exactly the kinds of tough decisions every household and every small business in America is expected to make in order to cope with this economic crisis we find ourselves in. But this is exactly what Majority Leader REID has chosen to protect his members from making. Why? Because it will help solve the problem? No. Because he doesn't want them to be held accountable in the next election.

We know it has been more than 1,000 days since the Senate passed a budget, and it is just unthinkable, to me, that we would fail to meet one of our most basic responsibilities. Can you imagine a family or a small business operating without a budget? We know why it is so important and why the absence of a budget has encouraged and facilitated runaway spending: Because when we budget, we figure out how much money we have and we figure out what we must have and what our priorities are. Then we figure out what we would like to have but maybe can't afford to have now so we need to put off. And then we figure out what we want but we can't afford that so we are going to have to do without.

Congress has simply, under Senator REID and the Democratic majority of the Senate, refused to meet its responsibilities for fiscal discipline. It is clear they are running out of excuses.

Senator MCCONNELL pointed out that Jack Lew, the President's new Chief of Staff, said: The reason why Democrats can't pass a budget, even though they hold the majority, even though they control the agenda, is because of those mean old Republicans, because it takes 60 votes to pass a budget.

Mr. Lew has been around a long time and he knows that is not true. I had

hoped he would have corrected the record because he knows—and we all know—it takes a simple majority of the Senate to pass a budget. But before we can pass a budget, Majority Leader REID has to call it up and bring it on the floor of the Senate and schedule a vote, which he has simply refused to do.

So instead of acting responsibly and proposing a budget and voting on a budget and allowing it to be debated, the President has chosen to take the low road and, last year, simply to attack chairman of the House Budget Committee PAUL RYAN and House Republicans for the budget they passed. It is not perfect, but it was trying to do their job and to make a responsible proposal. But rather than meet that responsible proposal with a counterproposal and try to work out the differences during the legislative process, the President, unfortunately, took the low road and attacked and attacked and attacked, rather than trying to offer a viable solution.

It should come as no surprise that under the President's watch, the national debt has grown to more than $15 trillion and is now larger than the U.S. economy. That is right, our debt is 100 percent of our gross domestic product. Government spending is now 25 percent of our economy; unfortunately, revenue is about 15 percent. So we have a 10-percent gap, which represents the annual deficit, and the cumulative deficits make up that $15 trillion debt.

We know our Nation has lost its AAA credit rating from Standard & Poor's because they are becoming concerned about our willingness—indeed, about our ability—to meet our most basic responsibilities. All three major rating agencies have assigned a negative outlook to our Nation's long-term rating. What that means is potentially the specter of higher interest rates that we have to pay when China and other countries buy our sovereign debt. A 1-percent increase, if they became worried about our ability to repay our debts and they simply charged us more, would wipe out any savings we might otherwise be able to make through cuts.

The warning sound has been heard, and the fiscal tsunami that many budget experts have said in the past would not hit this Nation is fast approaching. It is a challenge that faces the country today, not just tomorrow, and we need solutions. The way the American people feel about this overhang of debt and the lack of clarity with regard to taxes and regulation in our future is shown in the stagnant job growth we have seen.

No sensible job creator is going to start a new business or to expand an existing business with such huge debt and such great uncertainty about their taxes, the regulatory overreach, and the economic environment. They are simply not going to do it. All we have to do is look across the Atlantic Ocean and watch our European friends and what they are going through today and see what will happen when governments overspend and debt is allowed to run unchecked.

What is so disappointing is that President Obama has had multiple opportunities to embrace a bipartisan fiscal overhaul plan. The one I keep mentioning is the Simpson-Bowles plan, and the reason I do is because it is his debt commission that he appointed. It was bipartisan. We had three Republican Senators who were on that commission who voted for it; $4 trillion worth of cuts, tax reform that would lower the marginal tax rates, eliminate $1 trillion-plus in expenditures, and would create economic growth and certainty for our economy and help put America back to work in the meantime. Unfortunately, the President, instead of embracing that bipartisan proposal, with the budget submission he makes today indicates he has chosen once again to remain on the sidelines and to campaign rather than try to come up with real solutions. The President's plan fails to right the ship and will continue to lead us down the path of more debt, higher taxes, and runaway spending—a path that has brought the economies of many European countries to the brink.

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

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

The legislative clerk proceeded to call the roll.

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

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

The Senator from Ohio.

Mr. PORTMAN. Mr. President, I am here today to talk about the President's budget, which he submitted today. In an era of trillion-dollar deficits and historic debt and the greatest level of government spending since World War II, I believe the President's submission today was not a responsible budget. Instead of keeping his campaign promise to cut the deficit in half in his first term, this budget assumes continued deficits this year and next in the trillion-dollar range.

Given the promises President Obama made when he came to the White House and how poorly the last budget was received by Republicans and Democrats alike in Congress—in fact, it was voted on here on the floor of the Senate, and it was defeated by a vote of 97 to 0—given those things, I hoped President Obama would step forward and turn the rhetoric into action and put forward a responsible budget to deal with the fiscal problems our government faces—no more punting, no more gimmicks, a real budget that honestly faces the fiscal crisis we have and helps put us back on track. Instead, we see a document today that is really more tailored toward campaign talking points than really addressing the long-term solvency of the Federal Government.

The President begins by proposing a new $350 billion in stimulus bill. By the way, that is $350 billion with no offsets—in other words, no spending reductions to pay for it.

The President's budget then claims $5.3 trillion in deficit reduction over the next decade. As I have looked at this budget today, it seems to me that only a minuscule amount of this is from new spending cuts. In fact, as I read this budget, 99.9 percent of the claimed deficit reduction consists of the following: No. 1, tax increases, about $1.9 trillion; No. 2, Iraq, Afghanistan war savings, which is viewed by most here in Congress, both sides of the aisle, as a gimmick—in other words, spending money that was not going to be spent anyway—$848 billion; No. 3, already enacted discretionary caps and entitlement changes, primarily from the Budget Control Act, these so-called sequesters or across-the-board spending cuts that Congress has already enacted, and that is $1.7 trillion; and then finally net interest savings from those policies, which the budget says is going to be $800 billion.

Out of the claimed $5.3 trillion in deficit reduction, that leaves about .1 percent—$4 billion—of the claimed savings over the decade. So 99.9 percent of the deficit reduction he claims is through tax increases or, again, changes in spending that either have already occurred or they are not going to occur. On top of that, the President hid in his baseline—in the baseline he assumes for his spending, he hides about $479 billion in new spending. Now, this is on Pell grants and on the Medicare doc fix. So the claimed savings—even the $4 billion—vanish completely.

Overall, when compared to the current policy baseline, the President would tax $4 trillion more and spend about $2 trillion more over the next 10 years of this budget. The yearly deficit would end the decade in the $600 billion range, even assuming peace, prosperity, and historically low interest rates. The national debt over the next 10 years would rise by $11 trillion, for a total debt of over $25 trillion 10 years from now.

The main tax hike would end the 2001–2003 tax cuts for singles making over $200,000 and couples making over $250,000. There will be a lot of debate on the floor regarding this tax policy over the next year as we come to the end of the year when all of these tax cuts—$5 trillion of them—are scheduled to end, but just with regard to this tax hike, this will result in lower economic growth and more job losses according to the Congressional Budget Office. They have now testified before the Budget Committee as to the fact that this will result in higher unemployment next year. This is in large part because, according to Internal Revenue Service data, 48 percent of small business income would be subject to higher taxes under this budget proposal.

I support tax reform. I think it is important. But simply taking the current

code and adding higher tax rates is going to have an impact on small businesses and therefore on our economy and on jobs. This is ultimately about jobs. It is about everyday economic concerns people in Ohio and around the country have.

In this budget document, we do see some honesty, but it does not make me optimistic at all. Acknowledging the impact this budget will have on the economy, the President's budget actually concedes unemployment rates next year higher than this year, and the year after higher than this year. His prediction is that unemployment rates will be 8.9 percent in 2012 and 8.6 percent in 2013—totally unacceptable and a testament to the fact that Washington cannot continue to rely on short-term sweeteners and budget spending gimmicks to grow our economy and get the country out of this fiscal mess.

Again, I am disappointed in the budget we have seen today. I hope the Senate will work its will, put together its own budget, taking the President's budget and other ideas but then coming up with something that actually does address the very real fiscal problems we face, bring such a budget to the floor of the Senate, have it debated by both sides, and work out what we have not done in this Senate for over 1,000 days, which is prepare a blueprint for the fiscal and economic future of our country. Until we get such a budget, I fear we will continue to see this lack of economic growth and job loss that all of us would like to see addressed.

Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

RELIGIOUS LIBERTIES

Mr. JOHANNS. Mr. President, I rise today to comment on the developments of the past few weeks which, in my view, have been incredibly tragic but maybe, on the other hand, reassuring. On the one hand, it is tragic that our own government launched an attack on first amendment rights. The President launched this assault unapologetically in the black-and-white print of a rule that clearly restricts religious liberties. It says contraceptives and abortion-inducing drugs must be provided free of charge to women. What the President did not anticipate by his rule was the backlash it would generate.

It is reassuring, on the other hand, to know that Americans will make their voices heard when their constitutional rights are being trampled. For the first time in many years, people of many different faiths, as well as the defenders of the Constitution, have found a unifying rallying cry. They are sending the message that enough is enough; it is time to stop this administration's march into every single facet of our lives. At issue is one of the very basic rights in this country. It is one of the basic rights this country was founded to protect. It is the right to freely exercise religion—a right this President pledged to uphold when taking the oath of office.

Many Americans were lulled into complacency in 2009 by promises that apparently the President did not intend to uphold. Back then I came to the Senate floor to address this identical issue. In the thick of the very contentious health care debate, I urged my pro-life colleagues and the pro-life community to stand up against the health care bill that was being considered here in the Senate. I pointed out that the Hyde amendment, which prohibits taxpayer dollars from being used for abortion, was absolutely absent in the bill, something that now appears to be no accident whatsoever. On that day I shared the National Right to Life's very real concerns that the bill ''tries to conceal that unpopular reality with layers of contrived definitions and hollow bookkeeping requirements.'' Unfortunately, though, empty promises that the bill respected life were enough to convince my presumably pro-life colleagues to support the bill. After all, they had heard the promises straight from the President's mouth.

Remember when the President told Americans ''under our plan, no Federal dollars will be used to fund abortions, and Federal conscience laws will remain in place.'' Congress ignored the warnings, charged forward, blurry eyed, voting in the middle of the night, and passed the health care bill that we all now know violates the very conscience rights the President himself by his own words promised to protect.

As the law is being put into place, we are truly heading into uncharted waters for this Nation. On Friday, after weeks of criticism, the President announced a so-called compromise. We were told by his Chief of Staff that it will be that way or it will be the highway. So what is the compromise? It would still force every plan to offer free contraceptives and abortion-inducing drugs, even plans offered by religious organizations with deeply held religious beliefs.

The President claims religious employers with objections won't technically be required to offer the coverage because insurance companies will be forced to offer it free. What? Are we, as Americans, expected to believe that the many religious organizations paying the employer's share of the health care costs are not paying for these services? What kind of accounting gimmick is that? What kind of sleight of hand is that?

The President is blinded by his ideology. This fight is about religious and moral beliefs. It is not about accounting. What we have witnessed this past week is another attempt to hide the unpopular reality with layers of misleading rhetoric and hollowed promises. The truth? The truth is that many individuals who object to contraceptives and abortion-inducing drugs as a matter of religious principle will still have to provide them and pay for them. Don't fool yourself; they are not going to be free. Drug companies don't walk in and give away free drugs. Pharmacists don't dispense them free. Of course, the cost will be passed along to every employer and every American in the form of premiums that we pay. Calling these services free is flat wrong. There is a cost and, unfortunately, it is a high one at that. They come at the cost of our religious freedoms.

The administration's position is that it can force insurers to provide contraceptive coverage for ''free'' because the drugs are cheaper than the cost of being pregnant. Our government said that at the very highest level. That logic is unprecedented and it is downright disturbing. Who is to say that in days to come the administration won't order health plans to cover abortion free on the premise that it is cheaper than the cost of prenatal care, birth, and caring for human life? The same twisted logic could apply for physician-assisted suicide and a whole array of controversial procedures.

Many out there may try to refute this by repeating the President's claim that the law prohibits mandated abortions, but that same claim promised to protect the religious liberties he is now forcing many to violate. Well, many of us will not sit idly by and watch this unprecedented effort, and I am not alone. The President should listen to the country. The gimmicks of the 2009 bill may have put some to sleep. This time Americans are not being fooled. Americans of all faiths, all beliefs, of different views on a whole variety of topics share a love for their Constitution and the rights embodied in that Constitution. Well, they are awake now and their eyes are fully open.

As a Catholic myself, I could not be more proud of the Catholic bishops for standing strongly. Their statement rejecting the President's smoke-and-mirrors compromise is compelling and it is spot on. The bishop said:

> . . . today's proposal continues to involve needless government intrusion into the internal governance of religious institutions and to threaten government coercion of religious people . . . to violate their most deeply held convictions.

And they go on to say:

> In a Nation dedicated to religious liberty as its first and its founding principle, we should not be limited to negotiating within these parameters. The only complete solution . . . is for HHS to rescind the mandate of these objectionable services.

Yes, we were told by the President's Chief of Staff negotiating is over, it will now be our way or the highway.

Well, the bishops responded. The bishops called the President's attempt to appease them unacceptable. Yes, America has been awakened and now Congress must act on their objections.

There is legislation waiting to be debated that would protect the religious liberties granted in our Constitution. The legislation introduced by Senator ROY BLUNT holds President Obama to his promises. This legislation continues the 200-year tradition of this great Nation ensuring those who believe in the sanctity of life are not forced to have a hand in someone else's death. It protects conscience rights across the board. There is a bottom line and the bottom line is this: If President Obama is allowed to dictate to religious organizations what beliefs they will be allowed to hold or not to hold, then this country we all love will be a much different place and it will be a much different place for our children and grandchildren.

If the President succeeds, then our Constitution is no longer the defining document of a great Nation. Well, we do know the position of this administration, and I stand here today to categorically reject it.

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

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

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

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

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

THE BUDGET

Mr. CORKER. Mr. President, I came down today to talk about the highway bill we are on, and I want to say I appreciate the way we are dealing with each committee's portion of the bill as we go along. I know we are on the base bill at present, but before I get into that, I do want to make some comments about the budget.

I know we have had an inability in the Senate to pass a budget over the last 1,100 days. I know the Acting President pro tempore—a friend of mine—led a city and had to do this each year. We had to do the same in our State and city. I think those of us who come to this body are always shocked at the lack of fiscal discipline that takes place in Washington in general, but I have to say in looking at the administration's budget that was put forth today, it makes a mockery of the American people.

Our State has been blessed. We have had Governors who have been Republicans and Democrats, we have had people on both sides of the aisle, and our State has been governed well for a long time. I believe if a Governor of our State put forth a budget such as the budget put forth today, they would be run out of our State because it is not a serious budget.

I know the Acting President pro tempore and I have been to many meetings and looked at some of the proposals that have been put out by groups like Bowles-Simpson, and it is stunning to me when we know the biggest issue our country faces is ourselves—meaning our own inability to deal with the fiscal issues that are before us and to deal with all of the reforms we know have to take place. When we know we are our own greatest enemy, to have a document that has been put out the way this one has been put out in almost a flippant way, is almost to say we don't have to deal with this serious issue that our country has to face which is pretty unbelievable.

There is no focus on the kind of tax reform that I think so many of us support that would broaden the base and lower marginal rates and have tremendous economic growth. There is no focus on dealing with programs such as Medicare and Social Security that people depend upon, that people have counted upon all of their lives and yet we know they are not going to exist in a very short amount of time unless we do something. Instead, this document totally puts its head in the sand on these issues. It doesn't deal with them.

To the Acting President pro tempore I will say that I think it is irresponsible for a President, facing the kinds of issues our country is facing and who is seeking another term, not to lay out what he believes is the approach for us to deal with these issues, just as I believe, by the way, that whoever the Republican nominee is, I think it is incumbent upon him to do exactly the same. I think all of us need to know what our Chief Executive Officer's plans are for this country as they relate to, again, the most important issue we have to deal with.

The most appalling about it is we have millions of people looking for jobs right now. Unemployment is exceptionally high. I think almost every Member of this body who talks to people out there who actually are part of small business job creation knows they will tell us they are concerned about the future of our country. That is the biggest overhang that is keeping them from investing. So these issues are tied together in a most unique way. The greatest threat to our future is our inability to deal with fiscal issues. Our Chief Executive Officer, the President, has laid out a laughable document, one that, again, makes a mockery of the American people; yet at the same time it is us acting on real fiscal discipline that actually would drive our economy to grow and create jobs.

TRANSPORTATION ACT

I am very disappointed, which brings me to the point at hand. We have a highway bill. It is the first time I think we have dealt with a highway bill since I have been in the Senate for 5 years. We keep kicking the can down the road. It is my understanding that the EPW Committee passed this out 100 percent—Rs and Ds passed this out. Apparently they did some very good work, working together, to pass a base bill.

It is also my understanding, though, that the Finance Committee is charged with paying for this and has come up with pay-fors that work like this: We are going to spend this money over a 2-year period but we are going to pay for it over a 10-year period. Again, I look at the Acting President pro tempore, somebody I know was responsible in the job he had prior to being here, and I am sure he is in this job too. But here is what we are doing: We are going to have Republicans down here constantly railing against the President's budget. My friends on the other side of the aisle won't do that out of respect, but I am sure they are wondering what in the world has been handed to us. At the same time, we have a piece of legislation on the floor that we are going to be dealing with that candidly does a lot of the same thing. We are going to spend money over the next 2 years and yet we are going to pay for it over the next 10. I think that is absolutely irresponsible. I hope before this highway bill leaves the floor we will either reduce the amount we are spending on it—which I hate to see happen because I know we do need to spend money on infrastructure around our country—or we will figure out a way to pay for it where if we are going to spend money over a 2-year period, we will also generate revenues to pay for it over a 2-year period. This bill does not do that.

I do want to remind my Republican friends—I know we had some Republican support on the Finance Committee—that one of the things we railed about most with the health care bill that has divided our country in so many ways was that we took 6 years worth of cost and 10 years worth of revenues. All of us said it was a sleight of hand, and it was a sleight of hand; there is no question. I mean it was not honest in the way it was presented. But even since that time, with this most controversial bill, what we have done is actually moved away and now we are talking about in this highway bill spending money over a 2-year period but using pay-fors over a 10-year period. What that means is the next time we pass a highway bill under this same mode, we are continuing to run up tremendous debts. These young people who are sitting before us as pages, who come here to learn about how our country operates, want to see, hopefully, Senators acting in a responsible way.

The fact is there will be a lot of focus today on the President's budget, and I know there is a lot of disappointment on both sides of the aisle regarding what that budget says. But the thing we can do in this body over the next week or so as we are looking at this highway bill is to ensure we don't fall into that same trap here in Congress in

passing a highway bill that is not paid for, that uses future revenues which we will probably never see because we will flip them out and change them and use them in another way right after this bill is passed.

I thank my colleagues for listening.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. JOHNSON of Wisconsin. Mr. President, I ask unanimous consent to speak for not more than 15 minutes.

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

THE BUDGET

Mr. JOHNSON of Wisconsin. Mr. President, I come to the floor this afternoon before the debate on President Obama's just-submitted budget descends into the arguments over the smaller little details that, quite frankly, are not going to have that great of an effect on our whole debt and deficit issue. What I would like to do is take a look and ask the American people to take a look at the larger picture. I would like to do it with a few charts and graphs.

The first chart I would like to put up really describes, from my standpoint, the root cause of the problem. It really is the size, the scope, all of the rules, all of the regulations, all of the government intrusion into our lives and the cost of government. What this graph depicts is that as of last year the Federal Government was 24 percent of the size of our economy. So 24 cents of every dollar our economy generates flows through the Federal Government. When you add on State and local governments, which are about 16 percent, the total take of government at all levels of the United States now—last year was 39.2 percent. Again, 39 cents of every dollar flows through some form of government.

I do not find government particularly effective or efficient at so many things they do. To make this relative, we are watching what is happening to Greece right now. It is in flames because that social experiment is collapsing. But if you compare the United States in terms of its size of government to European-style Socialist nations, you can see that Norway spends 47 percent of its GDP on government; Greece, which we just mentioned, 50 percent; Italy, which hit a mini debt crisis of its own, 52 percent; and France is 55 percent. Unfortunately, America has arrived at the lower limit, the lower level of European-style socialism. That is not a good metric.

The next chart I want to describe—so many people, I understand, want a balanced approach: revenue and spending reform to address the debt and deficit issue. Listen, I want more revenue too, but I think we need to raise revenue the old-fashioned way—by growing our economy. Everything we do in this country, everything we do here in Washington needs to be targeted toward economic growth.

But I think what this chart describes is the fact that we have a spending problem. It is not that we tax Americans too little; it is because we spend way too much. Ten years ago our Federal Government spent $1.9 trillion. Last year we spent $3.6 trillion. We doubled spending in just 10 years. And, of course, the President's budget that he just unveiled today will spend $3.8 trillion in 2013.

In the argument moving forward, nobody is talking about cutting spending. All we are talking about is reducing the rate of growth in spending. You can tell by the chart. According to President Obama's budget, 10 years in the future, in the year 2022, he is proposing spending $5.8 trillion. Last year's House budget would have spent $4.7 trillion. That is what the argument is about—spending $3.6 trillion last year and increasing it to either $5.8 trillion or $4.7 trillion.

Another way of looking at that is taking a look at 10-year spending numbers. In the nineties—a very successful decade—the Federal Government spent $16 trillion over a 10-year period—$16 trillion. Over the last 10 years, we spent $28 trillion. And, again, the debate moving forward is President Obama, in his just-released budget, wants to spent $47 trillion over the next 10 years. The House budget from last year would have spent $40 trillion. By the way, when you hear about that $6 or $7 trillion of Draconian cuts, that is what we are talking about. All we are talking about is reducing the rate of growth in spending in the size of government.

You have seen an awful lot of charts describing the Nation's debt and how it has exploded. I like this chart because we start it on September 30, 1987, when our entire Federal debt stood at $2.3 trillion. It took us 200 years to incur $2.3 trillion worth of debt. Last year, in the Budget Control Act, we gave the President the authority basically—I didn't, I voted against it, but this body gave the President the authority to increase the debt ceiling by $2.1 trillion. We will blow through that debt in around 2 years. Think of that.

So you can see what is happening. In 2001, we were at $5.8 trillion. In 2008, right before President Obama entered office, we were at $10 trillion. Currently we are at about $15.4 trillion, and in the President's just-released budget, he is proposing adding about $10 trillion to our debt over the next 10 years, to come in at a whopping $25.9 trillion. The question is, Will we really be able to borrow that much or are we going to face the day of reckoning, when world investors take a look at the United States and say: You know, I am not going to loan you any more money. What is more likely to happen is they will say: I will loan you some money but at dramatically higher interest rates. That is what we need to be concerned about. That is what a debt crisis is going to be. Take a look at Greece. Take a look at Italy.

One more chart I want to put up shows the extent of the problem of the unfunded liabilities together with the debt. Now, this is actually last year's chart. We have not been able to get the new one printed yet. But last year the trustees of both Medicare and Social Security published the unfunded liability of those two programs. When you add those unfunded liabilities to the Federal debt and what we owe Federal retirees, the total liability of the United States as reported last year was $99 trillion. The new figure for this year—the accountants in the Federal Government have rejiggered the figures, and now they are claiming it is only $72 trillion. But whichever figure you take, if you compare that to the private net assets of the United States—that is, household assets, small business assets, large business assets—that number is $79 trillion. So the Federal Government has made promises and incurred debts that are equal to or exceed the entire net private asset base of the United States. Now, that is the definition of a problem. That is the definition of a huge problem that unfortunately this President and this town are not grappling with. We are not coming to terms with that.

Let me specifically hone in on one of those entitlement programs—Social Security. In 2010 we went net cash negative in Social Security, which means the amount of taxes collected were $51 billion less than the benefits that were paid out. Last year we were $46 billion in the red. If we take a look at this chart, what we see, without reforming the program, without providing the reforms that would actually save Social Security, within the next 24 years, by the year 2035, we will incur a $6 trillion cash deficit in Social Security. Again, when you take a look at the President's budget this year, is that even being addressed?

The House budget addressed Medicare last year, and people like my Congressman from Wisconsin were demonized for doing it. Here you had an individual who had the courage to first of all acknowledge the problem and then put forward a proposal, and he is demonized. Political demagoguery is not going to solve our problem. A serious budget is what we need to solve the problem.

Because we are not serious about even putting forward a budget—and unfortunately, in this body, the majority leader is saying he will not even bring a budget to the floor for a vote; there is no need to. We are only going to incur $10 trillion more debt in the next

10 years. I want the American people to think about that. I have been involved in business for 33 years. I am an accountant. This is the first time I have been involved with a financial entity—and let's face it, America is the largest financial entity in the world—where I have been working with an entity that does not have a budget. That is a national scandal. We need to correct that.

But let me talk about some of the deficit risks, because we are not serious, we are not even addressing, much less—we are not acknowledging. It starts with what I started talking about earlier in terms of not dealing with the debt and deficit issue dramatically increases our risk of higher interest rates, higher interest expense. The CBO reports that for every 1 percent increase in the interest expense—let's face it—times $15 trillion, times 10 years, that would add $1.5 trillion to our debt—$1.5 trillion. Greece—when they hit their debt crisis, their interest rates spiked by 8 percent. If that happened here, it would cost us $1.2 trillion. It would wipe out all discretionary spending. That is the day of reckoning we need to avoid by putting forward serious proposals.

Another risk we are really not talking about is what happens if we do not grow according to the projections the President lays out in his budget or the CBO projects? Well, again you look to the CBO. For every 1 percent we miss our growth targets by, add $3.1 trillion to our debt and deficit over the next 10 years—$3.1 trillion.

Another risk is the true cost of the health care law. Thirty-seven Republican Senators sent a letter to CBO Director Elmendorf pleading with him to please reassess the very unrealistic estimates the CBO made in terms of the number of employees who will lose their employer-sponsored care.

Their estimate says only 1 million. But we have studies that were conducted that say 30 to 50 percent of employers will drop coverage. When that happens, when the employees who lose their employer-sponsored care and get dumped into the exchanges at highly subsidized rates, the cost of ObamaCare will not be $95 billion a year; it will more likely be $½ trillion to $1 trillion a year. Multiply that over 10 years and we can see the depth of risk inherent in the health care law. It needs to be repealed.

The last point I wish to make is a key part of President Obama's supposed deficit reduction in his budget is a tax on millionaires, which, by the way, is defined by couples making over $250,000. That is interesting math right there. Two points: I said earlier we should not enact anything in Washington that would harm economic growth. Increasing taxes will do that. That is what CBO says, and that is what the Federal Reserve Chairman Bernanke says. It just makes common sense. I want any American who would think that is a good idea to ask themselves one question: How many jobs will that tax increase create? How will that tax increase actually help us grow our economy? The answer is, it will not.

There is an interesting study just released on Maryland's millionaires' tax they enacted in 2007. When they passed that tax, they estimated it would raise $330 million. The facts are in. That tax increase only generated $120 million—only 36 percent of what they originally estimated. President Obama is hoping to raise $1.5 trillion with the millionaires' tax. Maybe it is only $1 trillion; I have not seen the details. Take that number and multiply it times 36 percent, then look at the harm it will cause economic growth and reduce it even further. It simply will not work. It might feel good, but it will do great harm to our economy. To sum it all up, what this country needs is real leadership. We need the President to lead. We need a serious budget. We need the Senate to pass a complete and serious budget for 2013.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I wish to share some remarks about the President's budget which he submitted today. This is it—the real budget. The President asked that the press pay for their copies this year. Maybe that will save a little money. It is a real document that is submitted every year by every President according to the law.

Although the law also requires the Senate to pass a budget every year, we have violated it for over 1,000 days. In fact, the majority leader, Senator REID, said it would be foolish for him to produce a budget—foolish for our colleagues to produce a budget, and I can only assume he thought it would not be good politics. It would not be foolish for America to have a budget. I will make a commitment that if I have anything to do about it and this Republican conference were to achieve a majority in the Senate next year, we will have a budget. It will change the debt course of America. It will be 10 years. It will be a document that brings debt under control and, to the maximum extent possible, will encourage economic growth.

That is a responsibility that leaders have to deal with now, I believe. The President has produced this budget that claims to reduce the deficit by $4 trillion—I will talk about that—but it does not reduce the deficit $4 trillion. Basically, it doesn't reduce the deficit at all. This is his fourth year as President. This is the last budget of his Presidential term. He has an opportunity to lay out a plan for the future—to suggest what taxes we ought to have, how much spending we should have, where we can save money by reducing spending, what we need to do in the short run, and in a 10-year term, 20-year term, and 30-year term, all of that can and should be dealt with. The President, like a Governor or mayor of a city that is in financial trouble, or a State that is struggling financially—they have to deal with their debt. They present their proposals, they fight for them before the legislature, they make compromises, when necessary, and that is how they do their business. But because we don't have a constitutional amendment that requires a budget to be balanced, it becomes easier to borrow the money, not cut spending, and continue the deficit course we are on.

I am the ranking Republican on the Budget Committee, and for the few hours we have had the budget, and the few hours we have had over the weekend to see some of the tables, we have reached a number of conclusions that are not good. I would say a couple of things. At the Budget Committee hearing last week, Senator CONRAD—who is the chair of the committee—announced we should have a $5 trillion reduction in spending over 10 years—not 4—and also said, he wishes to see a balanced budget. I think Senator CONRAD is right on both counts. But he has basically been told if he even has a budget in committee this year, it won't be brought up on the floor. So I don't know what we will do, whether we will have a budget markup or not.

But Mr. Bernanke indicated during that same hearing that when you reach debt levels as high as we are today—gross debt being 100 percent of the gross domestic product—the country is at risk, particularly when inevitable shocks in the world occur and you don't have the margin of strength necessary to perhaps ride out those crises.

And we could go into crisis. I happened to see this morning on MSNBC that Mr. Richard Haass, president of the Council on Foreign Relations, said we could have a debt crisis next year. Talking about Greece, he said we could have a Greece-like crisis next year, and he laid out the scenario. This is the Council on Foreign Relations, one of the most prestigious world organizations around.

Here are some indisputable facts about the budget before us. First, there is no $4 trillion deficit reduction. There is not a $4 trillion deficit reduction. I know that is hard to believe. We are talking about a difference of $4 trillion. When the President submits a budget, and we worry about all these accounts, and then we are $4 trillion off, well, it is a hard thing to imagine. But I will explain to you why I say that.

What we know is this: Under the President's budget and the numbers he has provided us, based on his growth projections and other projections that are in it, he projects when 10 years are up—in 2022—we will have added to the total debt of America $11.2 trillion. We

will have added that much debt. Every year, hundreds of billions of dollars of debt, with the lowest single year being $575 billion worth of deficits. The debt increases annually each year. So it would be $11.2 trillion higher.

Under the Budget Control Act that passed last summer that had the sequester in it and the reductions in spending—under that—if left unchanged. And that is the current law. This budget deals with what to do now—what to do on top of the current law we have. Under the Budget Control Act, the debt would increase over 11 years by $11.5 trillion—perhaps $270 billion less debt accruing under the President's budget than current law. Well, that is not much.

The budget deficit this year is $1,300 billion. We are talking about $11.5 trillion—that is $11,500 billion. So we are going to reduce that $11,500 billion by $270 billion or so and claim somehow we have changed the debt course of America? It is not true.

The American people are tired of this. It is this kind of talk, this kind of misrepresentation and gimmickry that has gotten us to the point where the Nation is on a fiscally unsustainable path, as every expert has told us. Indeed, we are borrowing 40 cents of every dollar that is spent this year. So we take in $2.5 trillion and we spend $3.8 trillion. That is not an acceptable path, and we have been told that.

We have seen these gimmicks before. I have a bill called the Honest Budget Act that tightens up on a lot of the more common, smaller gimmicks that need to be eliminated. My bill is called the Honest Budget Act. But let me say we have never seen gimmicks this large. They are so large it is hard to believe anyone would attempt to use them, but so large people don't think it is possible the administration would not be completely truthful in asserting them.

For example, the budget the President submitted for this year claims credit for cuts that occurred last year as part of the budget control process—the $2.1 trillion in Budget Control Act cuts. He claims he is cutting the budget counting those numbers. Those are not the numbers we are operating under today. Those have already been done. That is one of the biggest spins I think we have ever seen in terms of making numbers look better than they are.

But there is more. Amazingly, this budget eliminates—erases—the $1.2 trillion in Budget Control Act sequestered spending reductions. We can argue whether they are done in the right way and whether some, particularly Defense, are taking too big a cut under that sequester, but we should not give up on the sequester. We should not acknowledge the sequester is not viable. And to say the $1.2 trillion we agreed to cut less than a year ago is no longer operable and we are going to spend that money and not cut any more is a stunning reversal. It is the kind of thing that validates the charges we hear from the American people: Oh, yes, you promised to cut money in the future—you have a 10-year plan to cut spending—but we know what you politicians are going to do 5 years, 3 years, 6 years down the road, when those spending cuts come up. You are going to say, oh, we can't do that. We have constituents who are complaining. We can't cut this or that. And we will put the money back in and the savings will never occur because they are false promises for the future.

People have complained about that, and correctly so. That was part of the tea party movement—a growing disrespect for the integrity of Congress when it makes projections for the future.

But look at this: In August, we agreed to $2.1 trillion in total cuts including $1.2 trillion in the sequester. Less than a year later, the President says, oh, that is too much, we can't do that. We are going to spend $47 trillion in the next 10 years, but we can't cut 1.2, when we are facing the biggest debt crisis the Nation has ever faced? What kind of world are we living in? No wonder we are going broke. And people are out to hide what we are doing. I don't think it is right.

The President says, yes, I am not cutting that $1 trillion, I am going to spend the $1.2 trillion. I am going to spend that, but don't worry, I am raising taxes to pay for it. But his budget prognosticators and commentators and his promoters, in their statements about this budget, claim it reduces the deficit—this tax increase does—by $1.2 trillion. Well, if you increase spending 1.2 and raise taxes an equal amount, you haven't saved any money; you just are not increasing the debt any more than you would have. So we have eliminated the cuts, making spending go up, and then we raise taxes. That is a wash. That is not another $1.2 in savings. That is how they get the $4 trillion. That is a sad state of affairs, to claim credit for that in a way that is not fair.

Then we have the problem with the war cost. I was disappointed at the State of the Union when the President said we are going to spend half of the war savings on highways. Well, I am for highways. I would like to spend more on highways. I am unhappy we have diverted money to general stimulus spending instead of being spent on highways, as was promised. However, the President said we are going to spend half of the savings from the war on highways. But there are no war savings. Congress has treated this war throughout as an emergency. The attack on 9/11 we treated as an emergency. The money was borrowed. Every dollar spent on the war has been borrowed. There is no source of money being paid out to the war so that when the war costs drop you can grab that money and spend it. There is no money there. When the war cost drops, the American people have a right to expect we will borrow less money or that we don't have to borrow as much.

But they are claiming the natural reduction of war spending creates a surplus of money that can be spent. How illogical is that? There is no money in the war budget account. It is all borrowed. There was never any money to be saved in the war account, only less money to be borrowed as the war came down.

Whoever thought the war would continue at $100-plus billion per year? We always expected those costs to come down. It has been a long, difficult process, and I am glad to see we can bring troops home. Hopefully, we are doing it in a way that is not risking the efforts thousands of Americans have given to our country to put us in a position to withdraw successfully. I hope we are not going so fast we will jeopardize that.

Well, what about taxes? The President has been arguing for some time that, well, we can't cut the deficit without tax increases. I know we have to cut spending, but we can't cut the deficit without tax increases. We have to have more tax increases.

First he said he wanted a tax on the rich that would bring in $800 billion. Now, this budget calls for additional taxes of $1,900 billion—$1.9 trillion—in new taxes all across, in a lot of different areas. But at any rate, this is what we are talking about.

In his statement released with his budget, he said there was 2.5 in spending reductions for every $1 of tax increases. We have been talking about, well, what should be the ratio? Some people say: Look, I know you shouldn't have 1-to-1 taxes increased for every spending reduction, but we have to get the deficit down. We have to reduce the deficit. And you Republicans who don't like taxes, we will talk about 4 to 1, $4 in spending cuts for $1 in tax increases. The President said in the spring last year 3 to 1, and that was a figure that was being bandied about.

But what does this budget do? Is it 2.5 to 1? Is it 3 to 1? No. Their statement that it is 2.5 to 1 is utterly untrue.

I remember people telling us if we raise taxes, they would not reduce the deficit. They will spend it. We have heard that over and over again, and that maxim is certainly proved by this budget. The taxes that are in this budget are used to pay for more spending. There are no spending cuts in the budget. The budget calls for $1.5 trillion in increased spending, and the taxes are on top of that. So the taxes are not going to be used to reduce the deficit, just like people have suspected all along that is not an accurate statement. But, indeed, taxes are used to create more spending to create even bigger government.

What about the debt size in its entirety? What are the numbers there? Let's look at this chart. The red is the increase in deficits over the next 10 years as occasioned by the Budget Control Act that is the current law that

was passed last August–September, and the President's budget is the dotted line.

So if we look at what is occurring over the 10-year period, we are starting at $15 trillion in debt today. Where does it end up? It ends up at $26 trillion in debt under the Budget Control Act that saved $2 trillion, supposedly. I guess that would have reduced the total debt from $13.5 trillion to $11.5 trillion. We have made some progress. We all knew that wasn't nearly enough, but it was at least a step. Our Democratic colleagues didn't want to cut any more money, so that was the number reached last year and we agreed we needed to come back and do some more work.

The President's budget, which claims to reduce the growth in our debt by $4 trillion, actually only reduces the growth in debt less than $300 billion, from 11.5 to 11.2. That is not enough. We have had expert after expert tell us we need $4 trillion to $5 trillion to $6 trillion. Many believe we ought to put this country on a path to a balanced budget and stay there, as I do. We can do that. So the numbers I would say, $273 billion, only alters this red line by the slightest amount, not nearly enough to make a difference in the financial markets, not nearly enough to create confidence in the business community the United States has a plan for its future that will work.

Furthermore, the President's plan does not provide any noticeable effective effort to do something about Medicare, Social Security, Medicaid—these programs that are moving every year gradually and inexorably out of control, into default, and will endanger those programs for future generations. I think that is a serious criticism we should make.

Finally, I would note the interest on the debt. What do we pay on the interest of the debt? This year this Nation, in 2012, will pay $225 billion in interest on the debt. That is almost half the entire defense budget. But under the plan submitted by the President—and these numbers I am quoting from are in the President's own budget, and I am simply restating the numbers his Office of Management and Budget have determined. Interest in 2022, 10 years from now, will be $850 billion, from $225 billion to $850 billion. The increase in interest alone exceeds the defense budget; $850 billion exceeds any item, including Social Security and Medicare, in our budget today and certainly exceeds the defense budget.

It would be the fastest growing item in the entire budget because when we run up debt and we go from $15 trillion gross debt to $26 trillion gross debt—and we have extraordinarily low interest rates today. They will not hold. Some think they are going up more than the President estimates in his account. But when we add the interest changes and the large amount of additional debt added, it goes from 225 to 850, crowding out spending for a host of programs that we are going to have to deal with. Where are we going to find this 500 billion? By the way, this is 1 year's interest payment, not 10 years. In 1 year we will be paying $850 billion.

So we take that $500 billion a year and run it on for 10 years and we are talking about $5.7 trillion in interest to be paid over 10 years. What about the next 10 years when it is running $1 trillion a year in interest as we age and our entitlement programs continue to go into default?

Mr. John Hinderaker, an analyst and blogger, has suggested that this whole debt we are seeing today and this claim of $4 trillion in savings is why we should never have had the secret negotiations all year. The President has asserted all year that he had a plan to save $4 trillion. I guess this is it. What does it do? Nothing. Does it change the debt course? No. It leads us on a course that is unacceptable. It does not deal with the surging entitlements that indeed count for over half of the spending already in the United States of America. Entitlements like Medicare, Medicaid, Social Security are already nearly 60 percent of the Federal Government's spending. How can we control spending if we don't even talk about those programs? And they are growing faster. The only thing growing faster is the interest on the debt. So we have a deep and serious challenge to bring those programs under control.

I would just close by saying that our debt course has not been altered. Our debt course is unsustainable. We now are moving to $26 trillion in debt. I remember last year when the Chairman of the Fed, Mr. Bernanke, testified before the committee and said something to this effect: You see those projections of your spending and debt trajectory? And in the outyears, you have these projections and what it is going to be like. Basically, he said: You are not going to get there because you are going to have a debt crisis before that happens, before those years pass.

Mr. Erskine Bowles, the man chosen by President Obama to head the deficit commission, with Alan Simpson, they signed a written statement to the Budget Committee last year, and they said: The course we are on will lead America to the most predictable financial crisis in our history.

So we can clearly see the path we are on. It is a path to financial crisis. We have to realize we cannot continue to put this off, and I find it deeply disappointing that the President of the United States, in his fourth year in office, lays out a plan that does nothing to improve the financial status of our country, does nothing to talk and deal seriously with our entitlement programs.

Indeed, what he has indicated is that anybody else in Congress, whether it is Congressman RYAN in the House Budget Committee or Members of this Senate who have the temerity to make any suggestions about containing and saving Social Security and Medicare, will be attacked by him.

So not only is he not proposing a plan that would help the situation, he is lying in wait to politically go after anybody who seriously proposes changes that can put America on a sound debt course. I don't think that is acceptable. I am deeply disappointed in the budget. I wish it would have been so much better because I truly believe he could have had support from Congress to do some things of a historic nature. They were discussed in some of these secret committee meetings but never came to fruition.

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

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

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF ADALBERTO JOSE JORDAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Adalberto Jose Jordan, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate, equally divided, in the usual form.

Mr. LEAHY. Mr. President, I ask unanimous consent that the time be divided in such a way that the time will run out at 5:30 but divided equally between now and then, between myself or my designee and the Republican leader or his designee.

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

Mr. LEAHY. Mr. President, it pains me, in a way, to have to come and talk about this. This is the eighth time the majority leader has had to file a cloture motion to overcome yet another Republican filibuster of one of President Obama's superbly qualified judicial nominees. I have been here during the time of President Ford, President Carter, President Reagan, President George H.W. Bush, President Clinton, President George W. Bush, and now President Obama. I have been here when the Senate was in Republican

control and when it was in Democratic control. Never during all that time have I seen anything where the majority leader has had to file so many cloture motions on superbly qualified judicial nominees, whether it is a Republican or Democratic President.

The nominee we have before us is a former Federal prosecutor and current Federal District Court judge in the Southern District of Florida. Judge Adalberto Jordan is the kind of nominee who in the past would have been confirmed without delay. It probably would have been done on a voice vote shortly after having come out of our committee, rather than having to wait 4 months for Senators to consent to proceed on his nomination.

This nomination has the strong and committed support of the senior Senator from Florida, Mr. NELSON, as well as that of Mr. RUBIO, the other Senator from Florida. Not only does he have the support of the two Senators, one a Democratic Senator the other a Republican, but the distinguished Presiding Officer will recall that when we voted on him last October, every single Republican and every single Democrat on the Judiciary Committee voted for him. He came out unanimously. It would be a little bit strange if any of those Senators now switched their votes because there is nothing different today than there was back in October of last fall.

When he was nominated to the District Court by President Clinton in 1999, even while Senate Republicans were pocket filibustering more than 60 of President Clinton's judicial nominees, Judge Jordan was confirmed without delay. It was an overwhelming vote: 93 to 1. Any of us in elective office would like to have had margins such as that.

The needless delay in Judge Jordan's nomination is the latest example of the tactics that have all but paralyzed the Senate confirmation process. They are actually damaging our Federal courts. It should not take 4 months and a cloture motion, which is hard to schedule because of all the other things we have to do, just to proceed to a nomination such as that of Judge Jordan to fill a judicial emergency.

This is not just filling a normal vacancy, it is a judicial emergency on the Eleventh Circuit. This good judge has already demonstrated as a Federal prosecutor and as a district judge his qualities. They need him on the Eleventh Circuit.

It should not take many more months and more cloture motions before the Senate finally votes on the nearly 20 other superbly qualified judicial nominees who have been stalled by Senate Republicans for months while vacancies continue to plague our American courts and delay justice for the American people. At all these courts where they are bottlenecked because there is no judge, the people who have cases in those courts do not say: I am a Republican or I am a Democrat, they say I have an important case to be heard. Why won't the Senate confirm the judge who has been nominated?

On every single one of the judges that are being stalled, every single Democratic Senator has agreed long ago to a vote. The objection on every single one of these judges being held up is because of Republican objections.

Let's talk about Judge Jordan for a moment, why he is so exceptional. When he is confirmed, he will be the first Cuban-born judge to serve on the U.S. Court of Appeals for the Eleventh Circuit, which encompasses Florida, Georgia and Alabama. Born in Havana, Cuba, Judge Jordan immigrated to the United States at age six. He went on to graduate summa cum laude from the University of Miami law school. Following law school, he clerked for Judge Thomas Clark on the U.S. Court of Appeals for the Eleventh Circuit, the Court to which he is nominated, and Justice Sandra Day O'Connor on the U.S. Supreme Court. He then became a Federal prosecutor in the Southern District of Florida, where he served as Deputy Chief and then Chief of the Appellate Division. Judge Jordan has also been a professor. Since 1990, he has taught at his alma mater, the University of Miami School of Law, as well as the Florida International University College of Law.

It is no surprise that the ABA's Standing Committee on the Federal Judiciary unanimously rated Judge Jordan ''well qualified'' to serve on the Eleventh Circuit, the highest possible rating from its nonpartisan peer review. Everybody should be down here cheering and supporting this nomination. He should be commended and supported, not filibustered and obstructed. Judge Jordan is a consensus nominee. What has the Senate come to, if somebody such as this man has to go through and overcome a filibuster to be confirmed? At this moment, ''Moses the Lawgiver'' would have a hard time being confirmed.

I say this because this judge is the kind of consensus nominee I have been urging Senate Republicans to stop stalling. He represents the kind of consensus nominees this President has sent the Senate who have been needlessly and harmfully stalled in the Senate for months and months for no good reason. It needs to stop. Last Thursday, Professor Carl Tobias wrote: ''Most troubling has been Republican refusal to vote on noncontroversial, strong nominees—inaction that conflicts with a venerable Senate tradition. When the chamber has eventually voted on nominees, the Senate has overwhelmingly approved many.'' I expect Judge Jordan to be confirmed with a strong, bipartisan vote, as well. There is no justification for delaying this action over the last 4 months while a judicial emergency vacancy has gone unfilled. There is no justifiable reason for forcing the majority leader to file cloture for the Senate to hold a vote on this qualified consensus nominee. There is no justification for Senate Republicans' refusal to hold votes on nearly 20 Senate nominees who also remain stalled waiting for a vote.

The filibuster of Judge Jordan is just the current example of Senate Republicans' delaying tactics with respect to President Obama's qualified consensus nominees.

Let me give you a little history and a few facts. As we enter the fourth year of President Obama's administration, we are far behind the pace set by the Senate during President George W. Bush's first term. By the end of 2004, the Senate in those 48 months confirmed 205 district and circuit nominees. One hundred of them were confirmed during the 17 months that I was chairman of the Judiciary Committee. I moved President Bush's judges notwithstanding the fact that 60 of President Clinton's judges had been pocket filibustered. I wanted to change that for the good of the Federal judiciary. I wanted to restore respect in the Senate as well as the Federal judiciary, but now we have gone back to the same old Republican obstructionism.

The Senate has confirmed only 126 of President Obama's district and circuit nominees, nowhere near the pace there was for President Bush. That leaves 86 judicial vacancies. In fact, the vacancy rate is likely to remain twice what it was in 2004. But I would suggest to this body that the slow pace of confirmation of President Obama's judicial nominees is no accident. It is the result of deliberate obstruction and delays. For the second year in a row, the Senate Republican leadership ignored long-established precedent and refused to schedule any votes before the December recess on the nearly 20 consensus judicial nominees who had been favorably reported by the Judiciary Committee. Here we are in the middle of February, fighting to hold a vote on 1 of the 19 nominees who should have been confirmed last year. Fifteen of the nominees stalled by Senate Republicans were reported with the unanimous support of their home state Senators and every Republican and every Democrat on the Senate Judiciary Committee.

During President Bush's administration, Republican Senators insisted that filibusters of judicial nominees were unconstitutional. They threatened the ''nuclear option'' in 2005 to guarantee up-or-down votes for each of President Bush's judicial nominees. Many of them said they would never, ever support the filibuster of a judicial nomination—never. Well, that never lasted. Once President Obama, a Democratic President, came in, the Senate Republicans reversed course. They filibustered President Obama's very first judicial nomination, that of Judge David Hamilton of Indiana, a widely-respected 15-year veteran of the Federal bench who had the support of the most senior and longest-serving Republican in the Senate, Senator LUGAR. The Senate rejected that filibuster and

Judge Hamilton was fortunately confirmed. The same Senators who had said solemnly on the floor of the Senate that they would never filibuster a judicial nomination—oh well, we have a new Democratic President, now we ought to filibuster. Come on. You wonder why people are concerned about those who represent them.

In fact, that first filibuster portended what was going to happen, and the partisan delays and opposition have continued. Senate Republicans have required cloture votes even for nominees who ultimately were confirmed unanimously when the Senate finally overcame those filibusters and voted on their nomination. So it was with Judge Barbara Keenan of the Fourth Circuit, who was confirmed 99–0 when the filibuster of her nomination finally ended in 2010, and Judge Denny Chin of the Second Circuit, an outstanding nominee with 16 years judicial experience, who was ultimately confirmed 98–0 when the Republican filibuster was overcome after four months of needless delays.

Regrettably, Senate Republicans have successfully filibustered the nominations of Goodwin Liu and Caitlin Halligan. I have warned that Senate Republicans have imposed a new standard that threatened to make confirmation of any nominee to the D.C. Circuit virtually impossible in the future. At the time, The Washington Post noted: ''GOP senators are grasping at straws to block Ms. Halligan's ascension, perhaps in hopes of preserving the vacancy for a Republican president to fill.'' I urged Senate Republicans to stop playing politics with the D.C. Circuit, and to allow an up-or-down vote on Ms. Halligan after more than 15 months of delay. Regrettably, the nomination of such a highly-qualified public servant, who had the support of law enforcement, appellate advocates, former Supreme Court clerks, academics and practitioners from across the political spectrum, was prevented from an up or down vote.

But I would also say that aside from the gamesmanship involved, this obstruction hurts the whole country. There are currently 86 judicial vacancies across the country. That means nearly 1 out of every 10 Federal judgeships is vacant. The vacancy rate is nearly double what it had been reduced to by this point in the Bush administration when Democrats, showing unprecedented speed, cooperated to bring judicial vacancies down to 46.

It is the American people who pay the price for the Senate's unnecessary and harmful delay in confirming judges to our Federal courts. It is unacceptable for hardworking Americans who are seeking their day in court to find one in 10 of those courts vacant. When an injured plaintiff sues to help cover the cost of medical expenses, that plaintiff should not have to wait for years before a judge hears his or her case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute. With 18 more judicial nominees stalled and cloture motions being required for consensus nominees, the Senate is failing in its responsibility, harming our Federal courts and ultimately hurting the American people. If you are one of the people seeking justice in a Federal court—and here is a sign saying: Closed; nobody at home—when you imagine this happening, is it any wonder that only 10 percent of the American people view Congress favorably? Actually with this kind of activity, I am surprised it gets up to 10 percent. I am wondering whether my friends on the other side of the aisle, the Senate Republicans, are intent on bringing the approval rating even lower, into single digits.

Some Senate Republicans are now seeking to excuse these months of delay by blaming President Obama for forcing them to do it. They point to President Obama's recent recess appointments of a Director for the Consumer Financial Protection Bureau and members of the National Labor Relations Board. Of course, those appointments were made a few weeks ago, long after the delay of Judge Jordan's nomination began. Moreover, the President took his action because Senate Republicans had refused to vote on those executive nominations and were intent on rendering the government agencies unable to enforce the law and carry out their critical work on behalf of the American people. Some Senate Republicans are doubling down on their obstruction in response. They are apparently extending their blockage against nominees beyond executive branch nominees to these much-needed judicial nominees. This needless obstruction accentuates the burdens on our Federal courts and delays in justice to the American people. We can ill afford these additional delays and protest votes. The Senate needs, instead, to come together to address the needs of hardworking Americans around the country.

Judge Adalberto Jose Jordan is precisely the kind of qualified consensus nominee we need. He is the kind of person we all will say, when the press asks, this is the kind of nominee we need; this would help our country and our judicial system if we had this kind of nominee. But then we filibuster.

When introducing Judge Jordan to the Senate Judiciary Committee last October, Senator RUBIO praised the nominee's knowledge of the law, experience, participation in community, stating that ''he looks forward to [Judge Jordan's] appointment.'' I certainly believe what Senator RUBIO said. I find him to be very truthful in these things. The day we reported him out of the committee unanimously, every single Democratic Senator in this Chamber was ready to go forward with the vote. The only place we had objections was on the Republican side, and that has gone on for 4 months.

I hope we get this cloture vote and the Senate is finally allowed to vote to confirm this nomination. Again, I urge Senate Republicans to stop the destructive delays that plague the confirmation process. The American people deserve Federal courts ready to serve them, not empty benches, not long delays, not partisan games.

I yield the floor. I suggest the absence of a quorum, and I ask consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. 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. NELSON of Florida. Mr. President, I wish to speak today, along with my colleague from Florida, Senator RUBIO, about the nomination of Judge Adalberto Jordan. A lot of our folks refer to him as Judge Jordan. He has been nominated to the Eleventh Circuit Court of Appeals. At this time, when we have a very sizable judicial vacancy rate with a lot of these judicial positions empty, we need to get them filled with qualified judges who are going to rule and rule expeditiously. Confirming Judge Jordan to the Eleventh Circuit, which is one of the busiest in the country, is going to be a good step forward in filling the need for all of these judges.

We have in Florida a long history of bipartisan support for our judicial nominees. That is especially so with my colleague MARCO RUBIO, as we participate with our judicial nominating commission, which the two of us appoint, and they screen and interview the applicants for the vacancies on the district court. As a result, we have nominees who come to us who have already been screened, and it takes the politics out of it. In the case of Judge Jordan, it is a continuation of that bipartisan support even though he did not go through that process. He was selected by the President and is a sitting Federal judge who has an excellent record, and thus we see the bipartisan support.

Judge Jordan received his undergraduate and his law degrees from the University of Miami. After law school, he clerked for Judge Thomas Clark on the Eleventh Circuit. Then he moved on to become a clerk for Justice Sandra Day O'Connor. He continued his legal career in private practice at Steel, Hector & Davis and then became an assistant U.S. attorney in the appellate division of the Southern District of Florida. He began his judicial career in 1999 as a U.S. district court judge for the Southern District of Florida, where he still sits.

Based on his experience, Judge Jordan is extremely qualified for this position. Once confirmed, he will become

the first Hispanic judge on the Eleventh Circuit Court. So I urge our colleagues to confirm this nominee without further delay.

I am pleased to be joined by my colleague, Senator RUBIO, from the State of Florida.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I thank Senator NELSON for that introduction.

The first thing we have to decide is how to pronounce his last name. Everyone knows whom we are talking about. He has an extraordinary reputation in our community.

I have a few things I wish to add. I have a bias because I also graduated from the University of Miami School of Law, where I have both my law degree and my student loan, so I am grateful to them for that.

He was only 37 years old when he was appointed to the bench. It says a lot that over the years he has garnered a reputation for being fair but also for his intellect. He is highly regarded for his intellect. One will find in legal circles particularly in south Florida that Judge Jordan is somebody for whom people have a tremendous amount of respect, not just for his fairness but for his intellect, his ability to understand complex legal issues. His background is one that would lead a person to that conclusion. He was the chief of the appellate division in the Office of the U.S. Attorney for the Southern District, which is extremely busy, one of the busiest districts in the country for the Justice Department. As Senator NELSON has already pointed out, he spent a year clerking on the U.S. Supreme Court. He also clerked with the Eleventh Circuit, where he now seeks to return and hopefully will return today as one of its judges.

Let me say a couple of things about the Eleventh Circuit. It has two current vacancies—one in Florida and one in Georgia. It is the busiest per judge in the entire country. They have caseloads that range in cases from Florida, Georgia, and Alabama. They include death penalty appeals. It is so overwhelming that they routinely invite judges from other circuits to hear its cases. So it is critically important that we fill these vacancies, and that is hopefully what we will do today.

There are a couple more points I wish to make about the judge. He continues to be very involved in our community, both through his family and as an individual. He teaches courses at both the University of Miami School of Law and at the Florida International College of Law, which is a new school that started operations a few years ago.

He is an integral part of my community. I can tell my colleagues on both sides of the aisle that, being from south Florida, running in the same circles in which he has run in terms of the legal community, he is highly respected. I think as a nation we are fortunate to have someone such as Judge Jordan, who is willing to bypass the many comforts of private practice and serve his country in a role such as this. I hope that as a body we will confirm him in an overwhelming and bipartisan fashion.

With that, I thank the Chair for this opportunity, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, we are considering the nomination of Judge Jordan to be a U.S. circuit judge for the Eleventh Circuit. He is going to fill the vacancy that has been created by Judge Susan Black taking senior status.

Looking back, I think the Senate accomplished much last year, passing legislation and confirming a significant number of judicial and executive nominations. I would note that even the majority leader recognized we have done a good job on nominations and have accomplished quite a bit as well.

We could have confirmed more nominees had the President indicated he would respect the practice and precedent on recess appointments. He would not give the Senate that assurance, so a number of nominations could not be confirmed and now remain on the Executive Calendar. As it turned out, the President went on to violate the practice and precedent.

I wish to remind my colleagues and those who might be listening that the Constitution outlines two ways in which the President may make appointments: One is with the advice and consent of the Senate; the other is he may make temporary appointments when a vacancy in one of those offices happens when the Senate is in recess. Given that the Senate was not in recess, it seems clear to me that advice and consent was required but not obtained by the President.

It is for the Senate to determine its own rules and procedures, including designation of when it is in recess, within the constraints of the constitutional provisions found in article I. Consequently, this is not a matter within the purview of the executive branch. In other words, under the Constitution of the United States, the President is in no position to tell the Senate when we adjourn and when we do not adjourn.

These so-called recess appointments break a longstanding tradition. They violate precedents followed as recently as 2008 under President Bush.

This is a matter of concern to my Republican colleagues, as it should be for all Senators. In fact, I am quite puzzled and disappointed by the silence from the other side. This is more than just a policy issue or disagreement on a particular nominee. The underlying concern is a power grab by the President. I would think all Senators would rise to defend the prerogatives of the Senate and the constitutional principles which have been violated by the President. In other words, if the Constitution of the United States says the Senate determines when we are in adjournment, how does the President get the power to do that?

When a President thinks he can do anything the Constitution does not expressly prohibit, the danger arises that his advisers will feel pressure to say the Constitution does not stand in the way.

At that point, a President is no longer a constitutional figure with limited powers, as the Founders intended. Quite to the contrary, the President looks more and more like a King the Constitution was designed to replace. You remember George III, I hope.

Generally, I am willing to give the President's nominees the benefit of the doubt when the nominee on the surface meets the requirements I have previously outlined. But as I have indicated over the past few weeks, we are not operating under normal circumstances. The atmosphere the President has created with his disregard for constitutional principles has made it difficult to give his nominees any benefit of the doubt.

Despite the conditions the President has created, the committee is moving forward with hearings and with markups. As we see, we continue to have floor votes and confirmations. We are making progress.

This will be President Obama's 26th circuit nominee whom we have confirmed. That means over 62 percent of the President's circuit judge nominees have been confirmed. This is the same pace of confirmation for President Bush's circuit nominees at a comparable point in his first term.

Furthermore, President Obama's nominees are moving through the process at a quicker pace. The average time for President Obama's circuit nominees to be confirmed is about 140 days. For President Bush, the average time was quite longer, at 350 days—more than twice as long.

With regard to judicial vacancies, I would note progress has been made. We have made significant reductions in the vacancy rate. I hear some mistakenly state that the vacancy rate is at historic highs. The claim is not true. I would point out that the current vacancy rate is about where it was at the beginning of the Presidency of George W. Bush. In terms of historical highs, I would like to remind my colleagues of some history. When George H.W. Bush assumed the Presidency, the vacancy rate was around 5 percent. During his term, the Democratic majority in the Senate let the vacancy rate rise to 16 percent—nearly double what it is today.

Those who continue to complain about vacancy rate should also be reminded that for more than half the vacancies, the President has failed to even submit a nomination to the Senate. This has been a pattern throughout this administration. This is the case even for vacancies designated as judicial emergencies. Nineteen of those thirty-three emergency vacancies have no nominee. Furthermore, President Obama is significantly behind in the number of nominations he has made. So it is no surprise he would be a little behind in the confirmations as well. In other words, if the President wants the Senate to move faster, send the nominations up here.

I would like to say a few words about the nominee we will be voting on today. Judge Jordan presently serves as a U.S. district judge for the Southern District of Florida. He was appointed to that court byPresident Clinton in 1999, and was confirmed by the Senate later that year.

He received a bachelor of arts from the University of Miami in 1984, his juris doctorate from the University of Miami School of Law in 1987.

Upon graduating from law school, the nominee clerked for Thomas A. Clark of the U.S. Court of Appeals for the Eleventh Circuit and then for Supreme Court Justice Sandra Day O'Connor. He then began his legal career as an associate attorney with Steel Hector & Davis where he handled first amendment matters and commercial litigation cases.

In 1994, he became an assistant U.S. attorney in the appellate division of the U.S. Attorney's Office for the Southern District of Florida. He was made deputy chief of the division in 1996, and chief in 1998. The nominee also worked as an adjunct professor of law at the University of Miami School of Law since 1990. He has taught many courses, including a death penalty seminar, federal courts, a judicial inherent power seminar, and a Federal criminal practice seminar.

Since becoming a district judge in 1999, he has presided over nearly 200 cases and has sat by designation frequently on the Eleventh Circuit Court of Appeals.

The American Bar Association Standing Committee on the Federal Judiciary has rated this nominee with a unanimous ''Well Qualified'' rating. I concur in that rating and will support the nomination.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Adalberto Jose Jordan, of Florida, to be United States Circuit Judge for the Eleventh Circuit:

Harry Reid, Joe Manchin III, Sherrod Brown, Tom Udall, Patty Murray, Mark Begich, Herb Kohl, Bill Nelson, Frank R. Lautenberg, Jeanne Shaheen, Richard Blumenthal, Benjamin L. Cardin, Chris Coons, Dianne Feinstein, Patrick J. Leahy, Richard J. Durbin, Joseph I. Lieberman, Charles E. Schumer

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

The question is, Is it the sense of the Senate that debate on the nomination of Adalberto Jose Jordan, of Florida, to be U.S. Circuit Judge for the Eleventh Circuit shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

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

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

The yeas and nays resulted—yeas 89, nays 5, as follows:

[Rollcall Vote No. 18 Ex.]

YEAS—89

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

NAYS—5

Blunt	Paul	Vitter
Lee	Toomey	

NOT VOTING—6

DeMint	Hutchison	Landrieu
Hatch	Kirk	Lieberman

The motion was agreed to.

The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 5. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Vermont.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. LEAHY. Madam President, I ask unanimous consent that the Senate resume legislative session and proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each; further, that the time postcloture count during morning business and any recess or adjournment of the Senate.

The PRESIDING OFFICER. Is there objection? The Senator from Florida.

Mr. NELSON of Florida. Reserving the right to object, and obviously I am not going to object, but I want to say to the Senate that this is an example—89 to 5—that debate has been cut off on a nomination that has the bipartisan support of Senator RUBIO and myself of a judge from Florida. One Senator was holding up the works in that he would not agree to the consent that you dismiss the 30 hours of debate. That is now causing us to delay this action. Is it any wonder, I ask the distinguished chairman of the Judiciary Committee, that we cannot get things done around here when we see this kind of action even given this kind of bipartisan support of a judge?

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I have been here for 37 years. I could not agree more with the distinguished senior Senator from Florida. He notes that 4 months ago, when Judge Adelberto Jordan came out of the Senate Judiciary Committee with every single Republican and every single Democrat voting for him, after the work done by the distinguished senior Senator from Florida and his colleague from Florida, the Senator from Florida, Mr. NELSON, made a commitment that every single Democrat would vote for this Cuban American immediately. Four months later, having had the cloture vote the Senator from Florida just mentioned—there was overwhelming support for him—he is still being held up. This is beneath the Senate of the United States of America. I agree with the Senator from Florida.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, do we have a unanimous consent request pending after the vote?

The PRESIDING OFFICER. A unanimous consent request is pending. Is there objection to the request?

Without objection, it is so ordered.

The Senator from California.

DELAY OF JUDICIAL CONFIRMATIONS

Mrs. BOXER. Madam President, I rise because I want to point out to the people of this country who may be watching this proceeding that what has happened tonight on the Senate floor is just ridiculous. Senator BILL NELSON—I think he was restrained, frankly. I know him. He is a very close friend—was restrained in his comments.

One Senator is stopping us from being able to ensure that justice is done, getting a great judge on the bench. It is sad. It is a historic nominee. It is a bipartisan situation with Senators NELSON and RUBIO together, but it goes beyond this.

In addition to holding up the Senate and wasting time here—because we can't vote on the judge now; we have to wait until hours and hours go by—what happens after? We are supposed to be on a highway bill, a bill that will protect 1.8 million jobs and create an additional million jobs. Mr. President, 2.8 million jobs are hanging in the balance.

We have obstruction from my friends on the Republican side—and they are my friends. I don't know what they are doing. I don't know whom they think they are helping, but it is not the American people. Whether it is standing in the way of this judge or whether it is stopping this highway bill, they are hurting America. I want to tell them to wake up and smell the roses—we are trying to get out of this recession. This is a jobs bill that is just waiting to happen. We have myself and Senator INHOFE as partners in this effort. We have Senator BAUCUS working with the Republicans in the Finance Committee. We have Senator JOHNSON working in concert with Senator SHELBY on the Banking Committee. On the Commerce Committee, we have a few bumps in the road, but we are going to straighten those out because Senators HUTCHISON and ROCKEFELLER are working together.

Why is it that we are doing nothing? Is it because Senators on the other side do not want us to move ahead? It is no wonder we have 13 percent approval from the American people. I will tell you, if they did not let our families vote, it would be less. How low can it go? We are going to know.

I have to say we want to get to this highway bill. It also had an 85-to-11 vote to move forward—an 85-to-11 vote to move forward—and guess what the first amendment is. It is not about making sure our highways keep up with the demand. It is not about how we can make sure our transit systems are functional. It is not about how we make our bridges safer. It is about birth control. Excuse me, the first amendment my friends on the other side want to offer is about birth control? I honor my friends' views on birth control. I personally believe, as the vast majority of Americans believe, that it is important women have the ability to have their insurance cover contraception. It saves money, it saves lives, and it reduces abortions by the tens of thousands. It saves insurance companies 15 percent because it avoids so many problems. Fifteen percent of the women who use birth control use it for non-birth-control reasons, such as helping prevent an ovarian cyst from turning into a dangerous situation. They use it to prevent endometriosis. They use it to prevent debilitating pain.

It is a highway bill. I am interested to see what Senator—I have to read again what he is offering. I think it is so broad, it says that anybody in America—any employer can refuse to offer any part of insurance they want if they say it is a religious objection. So let's say you are a Christian Scientist and you run a big organization and don't believe children should get chemotherapy—and we have had those cases. Under the Blunt amendment, I guess you don't have to do it. You just say it is a religious objection. It is so sweeping. My point tonight is to say that such an amendment does not belong on a highway bill. To that end, and I will stop here, we received a letter today: ''To the Members of the United States Senate.'' This is one of the clearest letters I have ever seen. Here is what it says:

> The time is now to pass S. 1813, Moving Ahead for Progress in the 21st Century, the bipartisan highway bill crafted by the Environment and Public Works Committee. Last Thursday 85 Senators voted to invoke cloture on the motion to proceed to S. 1813, clearly demonstrating bipartisan support for passing the highway and transit bill. While we are encouraged by the show of support, the undersigned organizations are concerned that progress may be impeded if non-germane amendments are offered as part of the deliberations on this bill.

I love this letter. Listen to what they say.

> The organizations that we represent may hold diverse views on social, energy, and fiscal issues, but we are united in our desire to see immediate action on the Senate's bipartisan highway and transit reauthorization measures.

This is to every Senator.

Senators, please listen carefully.

> Therefore, we strongly urge you to abstain from offering nongermane amendments that would impede the passage of this legislation, which is essential to job creation, economic growth and to the long-term stability of vital transportation programs.

I will read who signed this:

AAA, the American Association of State Highway and Transit Officials, the American Bus Association, American Concrete Association, American Council of Engineering Companies, American Highway Users Alliance, American Moving and Storage Association, American Public Transportation Association, American Road and Transportation Builders Association, American Society of Civil Engineers, American Traffic Safety Services Association, American Trucking Associations, Associated General Contractors of America, Associated Equipment Distributors, Association of Equipment Manufacturers, Association of Metropolitan Planning Organizations, Commercial Vehicle Safety Alliance, Governors Highway Safety Association, Intelligent Transportation Society, International Union of Operating Engineers, Motor and Equipment Manufacturers Association, the National Asphalt Pavement Association, the National Association of Development Organizations, the National Construction Alliance II, National Stone, Sand and Gravel Association, Portland Cement Association, and U.S. Chamber of Commerce.

Listen, we have to put aside these wedge issues, these ''gotcha'' issues. We have the equivalent of 10 Super Bowl stadiums filled with unemployed construction workers. We have business after business that is struggling.

This is a bipartisan bill. This will save 1.8 million jobs and create an additional 1 million jobs, and we are talking about birth control amendments, line-item veto amendments, amendments about foreign policy. I have to say to those colleagues of mine, whatever side of the aisle they are on—at this time I only know Republican amendments, but anyone who comes forward with a nongermane amendment and tries to put it on this important bill—let me say this as best I can, either they don't care a hoot about jobs for our people or they just want this economy to tank for political reasons. Because if we don't pass a highway bill—and the authorization ends at the end of March—I am going to be blunt with you. What is going to happen? Our States are going to start shutting down these projects and people will be unemployed and we will see reversal in this very delicate economic recovery.

This is a critical bill, and I am going to be on this floor every single day and I am going to be going on my Facebook and I am going to be going on Twitter and TV and radio everywhere. Why? To say a very simple thing to my colleagues—get out of the way of this jobs bill. Get out of the way. All of America supports it, from the left to the right, to the center and everything in between.

I yield the floor. I thank the Chair.

Mrs. FEINSTEIN. Mr. President, today I have filed Amendment No. 1536 to the pending surface transportation reauthorization bill. This amendment is also supported by Senator BOXER.

This amendment would change the railcar procurement rules to allow transit systems to contract for delivery of railcars for up to 5 years from the date of delivery of the first railcar.

Current law requires the purchase of buses and railcars to be completed

within 5 years of the date the contract is signed, not the date of the first delivery.

So this amendment would give transit operators the chance to sign larger and more cost effective contracts, which in some cases can save substantial money.

The current rules do not make sense for rail operators. They are designed to stimulate competition among manufacturers, and they prevent transit agencies from locking themselves into contracts for outdated buses in a market that is constantly evolving and advancing technologically.

But these rules do not recognize the reality of purchasing and producing railcars.

A light rail system's car designs must maintain a basic design for compatibility reasons, so rules designed to promote innovative design have little benefit.

But by forcing the transit rail agency to buy cars with the same basic design in two orders instead of one, these rules almost certainly increase total costs. It may also lead to the purchase of different models from two different orders, increasing maintenance costs in the future.

For instance, the Bay Area Rapid Transit System, or BART, is replacing its entire fleet of 669 railcars and buying an additional 106 for an expansion project.

BART's railcars have been in use for about 50 years, and they have become too costly to maintain. It is clearly time that they be replaced.

The current 5 year procurement rule, however, would force BART to issue two small procurements, instead of one large one.

BART estimates this will cost taxpayers and transit riders $325 million and they will buy the same number of cars either way.

This amendment would allow transit agencies like BART to sign one single contract, to purchase in bulk, and to save money for strapped systems.

Buying in bulk means cheaper flooring, seats, and all other component parts needed to build a railcar. BART also risks increased prices of component parts between contracts.

This amendment empowers transit systems to apply lessons learned from the airline industry in order to make transit more efficient and less costly.

As BART has pointed out in their letter on this amendment, Southwest Airlines is their model.

Southwest flies only Boeing 737s, making it the lowest cost maintenance system in the country. BART wants a single railcar design, to bring about the same type of savings.

BART hopes to purchase one model and keep their maintenance costs low as well.

The bottom line is this amendment gets Federal rules out of the way of transit agencies that want to use their market power.

It helps transit get the best possible price when purchasing equipment.

It stretches limited Federal dollars much, much further.

I urge my colleagues to support this amendment and ensure that taxpayers' money is used in an efficient manner. During these critical economic times, every cent of the people's money should be spent wisely.

The PRESIDING OFFICER. The Senator from Ohio.

THE AUTO INDUSTRY

Mr. BROWN of Ohio. Madam President, earlier today I toured Alcoa's Cleveland Works plant. The plant houses an engineering and manufacturing marvel of a 50,000-ton Mesta forging press. It stands 87 feet high; 36 feet below the surface, 51 feet above the surface. The press has enough steel to lay 42 miles of railroad track. That is roughly here to Baltimore or Akron to Cleveland. It is massive, and one of only five heavy closed-die forging presses in the United States. It is officially considered by the Mechanical Engineering Association a national historic engineering landmark.

Its original purpose was to build components for large airplanes during World War II. During the war, we discovered that German aircraft were being built with structural elements that could only be made by large forging processes that we thought had not yet been invented. So only as it could do, our government, through the Air Force, initiated the Heavy Press Program to compete with the Germans and to show that advanced manufacturing matters to our country.

After the war, we brought the Mesta supergiant forging press to America and to Cleveland, where it remains critical to the commercial and defense aerospace industries. It formed the basis of a public-private partnership, it stamps the ''Made in America'' label on some of the world's most advanced technologies and products.

Today Alcoa is investing $100 million to complete and restart its redesign of the massive press. Alcoa invested in America and it is an investment in Ohio manufacturing. It shows the company's ability to leverage public resources to meet industrial-based needs as well as commercial demands of the market. It is for our national security, and it is for our domestic security to build a middle class. It is an example of how partnerships can still pay dividends six decades later and will do so with continued investment for decades to come.

At the time it was about our national pride and need in times of war. Today it is about creating and retaining jobs. It is about showing that manufacturing is about building and it is about innovation. Manufacturing is about high-tech production, it is sophisticated engineering, it is advanced technologies, and it remains a ticket to the middle-class.

We are finally seeing recognition in Washington that manufacturing is critical to our economic recovery. For 12 years—from 1997 through the 8 Bush years into 2009—we had seen a decline every single year in Ohio manufacturing and in American manufacturing, but for the last 21 months we have seen an increase in manufacturing jobs in America and an increase in manufacturing jobs in Ohio. It started, in part, with the auto rescue where if some conservative politicians in Washington had had their way, they would have allowed the auto industry simply to declare bankruptcy with no ability to finance or restructure the auto industry. Instead, the President, in working with the Senate and working with the House, rescued that industry by investing in that industry.

Today in my State we are seeing thousands of auto jobs in the auto companies, in Chrysler and in GM, jobs that wouldn't have been there if we had not done auto rescue, and we are seeing all kinds of auto supply jobs. For instance, at the Chrysler Jeep plant in Toledo, where 3 years ago only 50 percent of components came from domestic sources, today more than 70 percent come from domestic sources.

Today plants in Toledo, in Lordstown, and in Defiance are hiring workers. The Chevy Cruze—one of the hottest selling cars in America—is as close to an all-Ohio car as you can get. The engine is made in Defiance, the transmission is made in Toledo, the bumpers are made in Northwood, the stamping is done in Parma, the steel comes out of Cleveland, the aluminum comes out of Cleveland, part of the sound system comes out of Springboro, and the assembly is in Lordstown—thousands and thousands of autoworker jobs, tens of thousands of jobs of auto suppliers supplying the Cruze, supplying Honda, supplying the Jeep plant in Toledo, supplying the Ford plant in Avon Lake.

In the last year alone, Honda and Chrysler and Ford and GM announced multimillion-dollar investments in Ohio alone and, in many cases, around the country. Honda announced it would build and develop its most state-of-the-art sports car ever right in Ohio. We see the same jobs creating investments from Chrysler, its Toledo assembly complex, from Ford at the Avon Lake plant, from GM at its Defiance powertrain plant.

As it did when the Nation needed the forging press for aerospace manufacturing, our government did only as it could do; it stepped up to invest in America and the American auto industry. So those who complain about the auto rescue need to read a little history to understand that so often American manufacturing partnered with U.S. taxpayers to make sure these industries were strong and solid and created good-paying jobs to build the middle-class. It is paying off dividends today. It will continue to do so in the future.

I have a unanimous consent request after I speak, that the Senator from Oregon is recognized.

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

Mr. BROWN of Ohio. One more point I wish to make. We must remain vigilant in enforcement of our trade laws. Our progress in autos is at risk of being undercut if we allow China to continue to cheat on trade rules, flaunt its predatory auto trade practices in our faces.

Only 10 years ago, our trade deficit in auto parts with China was only about $1 billion. That has grown 800 percent to about $9 billion to $10 billion. That means more than 1.6 million American jobs are at risk. Our trade deficit with China is continuing to cause difficulty for middle-class Americans. China has begun placing tariffs on American-made automobiles. These massive illegal subsidies are worsened by indirect predatory subsidies such as currency manipulation.

That is why I am encouraged by the President's announcement of a new trade enforcement panel. It is borne of the realization that the stakes are too high for our workers and our economy if we don't fight back. We need an all-hands-on-deck approach among the USTR, the State Department, and the Commerce Department to be involved, to be more aggressive, especially by initiating more trade cases.

I know from representing Ohio in the Senate since 2007 what trade enforcement laws do. Trade enforcement by the Commerce Department and the International Trade Commission against China's cheating created jobs in Lorain, OH, in the steel industry; created jobs in Findlay, OH, in the tire industry; created jobs in paper and other industries around the State and resulted in a new steel mill, V&M Star Steel, in Youngstown, OH, where about 1,000 building trades people are building that plant and 500 or 600 steelworkers will be working in that plant that manufactures Oil Country Tubular steel—jobs that would have been in China if the President of the United States and the Commerce Department and the International Trade Commission did not enforce trade laws.

That is why that matters. That is why the new trade enforcement panel that the President is setting up as part of his budget is so very important for the future of our national security and for the future of the middle class and our great country.

I yield the floor.

THE HIGHWAY BILL

Mr. MERKLEY. Madam President, I rise to address legislation we hope will soon be pending on the floor of the Senate, the Moving Ahead for Progress in the 21st Century Act, better known as the highway bill. This bill is dedicated to rebuilding both our highway and transportation system. It is a critical downpayment on both America's economic recovery and our long-term economic success.

Infrastructure is a doubly effective investment. First, in the short term, infrastructure projects create much needed jobs, particularly now when the construction industry is flat on its back. It is one of the hardest hit sectors in this downturn. So rebuilding and repairing our crumbling roads and bridges is one of the best actions we can take to create jobs.

Second, infrastructure investment supports jobs in the long term. Think of how many businesses in this country rely on America's infrastructure to move their goods to consumers— businesses in every State of our Nation, from our most rural communities to our largest cities; small businesses, the largest corporations, and everything in between.

Creating the infrastructure that gives these businesses the tools they need to grow is an essential ingredient for future job growth. Yet, over the past generation, our commitment to infrastructure funding at the Federal level has not reflected its role as a key to our competitiveness.

China is spending 10 percent of its gross domestic product on infrastructure. Europe is spending 5 percent of its GDP on infrastructure. The number here in America is 2 percent—barely enough to keep our roads and transit systems in repair. There are those here in Washington pushing to cut the investment even further.

This is not a recipe for success in the 21st century, nor should this be a partisan issue. When I go home to Oregon I hear from businesses, large to small, from liberal to conservative, telling me that this transportation bill is a good investment in our future. Likewise, more than 1,000 organizations ranging from the U.S. Chamber of Commerce to labor groups to local governments have urged Congress to act without delay and pass this highway bill. It is time for Congress to recognize, as our constituents do, that if we want jobs, if we want growth, if we want competitiveness, this is one of the best investments we can make.

I am very pleased that the committee responsible for this, the Environment and Public Works Committee, was able to pass a strong bill, and it is going to be merged with work done by three other committees, in all cases with bipartisan votes, and they will bring this bill to the floor with significant support on both sides of the aisle. But our work is not going to be done until we pass this bill through this Chamber, until we pass this bill through the House, and until we put it on the President's desk.

This bill is a downpayment on the next phase of our economic growth. It puts construction workers back on the job, creating 1.8 million jobs over the next 2 years. That is a sizable number—1.8 million jobs. That will make a huge difference to construction workers who are still struggling with an unemployment rate of 18 percent—more than twice the national average.

Second, this bill gives States the flexibility to direct more of their own funds, putting more power in the hands of local communities to decide what their most important transportation priorities are.

Finally, it is an investment in the 21st century system that will move us all forward.

Of course, there are always ways that a bill can be stronger, and I will work with my colleagues to bring a number of amendments to the floor. There are, for example, several loopholes in the ''Buy American'' provisions that we should fix. We already recognize in current law that if we are spending taxpayer dollars to buy materials for American infrastructure projects, it makes no sense to shift those dollars overseas when they could stay in our economy and support growth and jobs right here. All highway and transit projects have requirements to use American-made materials for public infrastructure and transit. But two specific loopholes have enabled States to buy Chinese steel instead of American steel and shift jobs out of the country. First, we should close the freight rail loophole in our ''Buy American'' laws. The industrial might of this Nation was built on American railroads, made from American steel. As we update and improve that freight rail system, it is only right that those bridges and tracks continue to be made in America.

This summer, construction of a rail bridge in Alaska to a military base was awarded to a Chinese company because the Federal Rail Administration, unlike the Federal Transit and Federal Highway Administrations, doesn't have any ''Buy American'' provision. An American company was ready to build this bridge but because of this loophole, the contract went to a Chinese company using Chinese steel, paid for with American tax dollars. That is a huge mistake. Let's shut that loophole.

Second, we should close the segmentation loophole. This loophole allows projects to be split into little pieces in order to bypass the requirement for American-made materials. The Bay Bridge in California was split into nine separate projects instead of one bridge project so that Federal funds and, therefore, ''Buy American'' provisions would only apply to two out of the nine projects. This allowed the bulk of the bridge to be built with Chinese steel and Chinese workers, with American tax dollars. That is a mistake. Even Republican Members of the House know that is a mistake. They have put forward an amendment to close this loophole. Let's close this loophole as well on the Senate side.

In addition to closing these two loopholes, we need to strengthen the bike and pedestrian provisions in this bill. Bike and pedestrian systems are essential components in an integrated transportation system, reducing congestion and reducing pollution in a highly cost-effective manner. With gas prices on the rise, many families are looking for increased opportunities to get around on their bikes and on foot. In many

communities around the Nation such as Portland and Eugene in my home State of Oregon, and many other cities in Oregon, biking and walking have become a way of life, with families commuting, running errands, and getting around town. When they are able to do that, they decrease the load on the highway system. They reduce the congestion. They reduce the pollution. It is a win-win at every level.

But Federal funding has not kept up with this shift. Just as traffic lights and highway lanes are necessary to make our roads safer and faster for drivers, pedestrians and bikers need basic infrastructure to make their trips safe and efficient. Yet there is no dedicated Federal funding stream for bike and pedestrian infrastructure. This is a growing demand in many communities and States. Despite the fact of decreasing congestion on the roads, it is one of the most cost-effective strategies we could possibly follow. Biking and walking infrastructure costs little, but it has a big bang for the buck. In Portland 2 percent of the city's transportation dollars were spent on biking and walking, but the percentage of commuters traveling by bike went up 140 percent. Imagine if all those bikers were in cars by themselves, as are so many of us who drive to work. Congestion in Portland would have increased instead of staying constant over a 10-year period as it has.

I am supporting an amendment that will retain the current level of funding at 2 percent for bike and pedestrian projects, and I encourage my colleagues to be smart with the Federal dollar and support this amendment.

This bill—the broader highway bill—is a critical investment in our short-term and long-term economic success. Over the next 2 years, it will provide an immediate boost to a struggling construction industry, creating jobs where they are needed most. And over the next generation, it will act as the downpayment we need on infrastructure for our businesses to grow and prosper in the 21st century.

I urge my colleagues on both sides of the aisle to continue to build support around this bill; indeed, to get this bill to the floor for consideration. While there are some in this Chamber who want to fight social battles by putting unrelated amendments up, there are millions of Americans in need of jobs, there is an infrastructure that needs to be rebuilt, and there are citizens who want us to put aside the games and do the work here so they can do the work back at home.

I yield the floor.

ROMA BRIDGE BUILDING

Mr. CARDIN. Mr. President, at the end of January, something remarkable happened: Slovak Deputy Prime Minister Rudolf Chmel made a positive statement about Roma. Saying something nice about Europe's largest ethnic minority may not seem newsworthy, but it is and here is why.

The Deputy Prime Minister reacted to an escalation of anti-Roma rhetoric in the runup to Slovakia's March 10 parliamentary elections by calling on political parties not to play the ''Roma card.'' But more than that, he welcomed a landmark decision of the European Court on Human Rights holding that the sterilization of a Slovak Romani woman without her consent had been cruel and inhuman. He welcomed the findings of a Slovak court that concluded Romani children had been placed in segregated schools in eastern Slovakia. And he commended the human rights organization that had helped litigate both these cases.

To say that statements like these are few and far between is an understatement. On the contrary, officials at the highest levels of government frequently perpetuate the worst bigotry against Roma.

For example, after four perpetrators were convicted and sentenced for a racially motivated firebombing that left a Romani toddler burned over 80 percent of her body, Czech President Vaclav Klaus wondered if their 20-plus-year sentences were too harsh. Romanian Foreign Minister Teodor Baconschi suggested that Roma were ''physiologically'' disposed to crime. Last year, President Silvio Berlusconi warned the electorate of Milan to vote for his party lest their city become a ''Gypsyopolis.'' And French President Nicolas Sarkozy has explicated targeted Roma—from EU countries—for expulsion from France. The common thread in most of this rhetoric is the portrayal of Roma as inherently criminal.

Nearly 20 years ago in the New York Times—Dec. 10, 1993—Vaclav Havel described the treatment of Roma as a litmus test for civil society. Today, Europe is still failing that test miserably. As Hungary's Minister for Social Inclusion Zolton Balog has argued, Roma are worse off today than they were under communism. While a small fraction of Roma have benefited from new opportunities, many more have been the absolute losers in the transition from the command-to-a market economy, and vast numbers live in a kind of poverty that the United Nations Development Programme described as more typically found in sub-Saharan Africa than Europe. Endemic discrimination has propelled economic marginalization downward at an exponential pace, and the past 20 years have been marked by outbreaks of hate crimes and mob violence against Roma that are on the rise again.

In the current environment, those who play with anti-Roma rhetoric are playing with a combustible mix.

In the near term, there is the real prospect that fueling prejudice against Roma will spark interethnic violence. Before Bulgaria's local elections last October, the extremist Ataka party parlayed an incident involving a Romani mafia boss into anti-Romani rioting in some 14 towns and cities. In the Czech Republic, the government has had to mount massive shows of law enforcement to keep anti-Roma mobs from degenerating into all-out pogroms; its worked so far, but at a huge cost.

Significantly, Roma are not always standing by while the likes of the Hungarian Guard mass on their doorsteps; they have sometimes gathered sticks, shovels, scythes, and anything else handy in an old-school defense.

Even without the prospect of violence, there is a longer term threat to many countries with larger Romani populations: if they fail to undertake meaningful integration of Roma, they will find their economies hollowed out from within. More than a decade ago, then-Hungarian Minister of Education Zolton Pokorni said that one out of every three children starting school that year would be Romani. Some economic forecasts now suggest that by 2040, 40 percent of the labor force in Hungary will be Romani. A number of other countries face similar trajectories.

A desperately impoverished, uneducated, and marginalized population will not serve as the backbone of a modern and thriving economy. But several studies have shown that the cost of investing in the integration of Roma—housing, education, and job training and the like—will be more than offset by gains in GNP and tax revenue. In order to undertake those integration policies, somebody has to build popular support for them. And that is where Mr. Chmel comes in.

Until now, most popular discourse about Roma seems predicated on the ostrich-like belief that perhaps they can be made to go away. Few politicians have shown the courage and foresight to reframe public discourse in any way that acknowledges Europe's future will definitely include Roma. Mr. Chmel has taken an important step in that direction. I hope he will inspire others.

ADDITIONAL STATEMENTS

REMEMBERING STEVE APPLETON

• Mr. CRAPO. Mr. President, my colleague Senator JIM RISCH joins me today in honoring the life of Steve Appleton. We are deeply saddened by Steve's passing, and we join his wife, Dalynn, their children, family, Micron employees and his many friends in honoring his remarkable life.

For more than three decades, our State was a fortunate beneficiary of Steve's determination and hard work. A year after his 1982 graduation from Boise State University, he joined Micron Technology, Inc., and quickly ascended from working on Micron's high-tech assembly line to leading the company as CEO, president and chairman. His talent and energy helped overcome significant challenges and shaped Micron into a multinational world leader

in semiconductors. As Kurt Marko, a coworker at Micron, poignantly described him, ''Appleton personified Micron's can-do spirit. He, and it, defied the odds.''

Steve leaves behind a legacy of hard work, focus, integrity and generosity. He was driven to reach remarkable achievements and was generous in sharing the rewards of that hard work to better our State and future generations of Idahoans. For example, he gave his time and financial resources to help Boise State University develop its College of Engineering; raised funds for scholarships, programs, buildings and projects, including the Appleton Tennis Complex; and established the Micron Foundation. Due to his efforts, our State and Nation will be better equipped to compete globally.

We were honored to have many opportunities to work with Steve over the years. His pragmatic approach was instrumental in achieving remedies needed to better ensure a level playing field for U.S. semiconductor products and address unfair trading practices. No matter the challenges, Steve faced them with optimism and sensibility.

Steve's adventurous spirit was widely known and well documented. His passion for sports and competition contributed to him excelling in tennis, including winning the doubles title at the Big Sky Tennis Championship in 1982. Besides his love of aviation, he also was involved in a number of adventure sports including, off-road car racing, scuba diving, wakeboarding, motocross and more.

Steve Appleton's energy and commitment to Idaho will not be forgotten. He has set an extraordinary example of what hard work and initiative in a free enterprise system can achieve. He helped create thousands of jobs and cemented Idaho's standing in the high-tech field. His innovation, drive and forward-thinking approach, as well as his wonderful friendship, will be greatly missed.●

RECOGNIZING ARKANSAS HOSPITALS

● Mr. PRYOR. Mr. President, it is my distinct privilege to recognize the work of five Arkansas hospitals that were honored by U.S. News and World Report as among the Nation's best hospitals and classified as ''high-performing'' in a variety of specialties for their outstanding care. These hospitals were judged against almost 5,000 nationwide hospitals and met rigorous standards of medical care, including patient survival and safety, hospital reputation, and care-related factors such as nursing and patient services. The ''high-performing'' designation is reserved for hospitals that rank in the top 25 percent of each category after further standards are applied. These five hospitals are tremendous assets to my State, and I am pleased to be able to praise their hard work and world-class medical care on the Senate floor.

The U.S. News 2011–2012 Best Hospitals rankings recognized three hospitals in the Little Rock metropolitan area, which includes Little Rock, North Little Rock, and Conway. The University of Arkansas for Medical Sciences, UAMS, was recognized as a high-performing hospital in four specialty areas: cancer; obstetrics/gynecology; ear/nose/throat, ENT; and nephrology, kidney. Baptist Health Medical Center was named high-performing in the ENT and nephrology specialties, and St. Vincent Infirmary was recognized as high-performing in the ENT and orthopedics specialties.

The 2011–2012 Best Hospitals list included two additional Arkansas facilities providing outstanding care outside of major metro areas: Sparks Regional Medical Center, in Fort Smith, and Washington Regional Medical Center, in Fayetteville. They were two of only 247 hospitals across the Nation recognized for their exceptional care as regional hospitals. Sparks was listed as ''high-performing'' in the pulmonology specialty and Washington Regional in geriatrics.

I ask my colleagues to join me in recognizing the achievements of UAMS, Baptist Health, St. Vincent, Sparks Regional, and Washington Regional. I am thankful for the men and women of these five facilities and all the health care professionals across my State. They are constantly striving to provide Arkansans with the best medical care possible, and I am proud of all their hard work.●

REMEMBERING WILMA J. WEBB

● Mr. UDALL of Colorado. Mr. President, today I want to recognize a friend and a great Coloradan the Honorable Wilma J. Webb. Wilma is a transformative leader who has left her indelible mark on the State of Colorado and the character of our country.

On February 16, 2012, the Anti-Defamation League's Mountain States Office will present Wilma with the prestigious 2012 Civil Rights Award. Given all of her work on behalf of the African-American community, it is especially appropriate that Wilma will receive her award during Black History Month. I congratulate her on being the recipient of such an esteemed honor and I applaud her for her remarkable achievements in the struggle for civil rights. Wilma's award presents me with an opportunity to tell the U.S. Senate about her remarkable life and work.

Wilma is a native of the Centennial State, born in Denver and raised in the city's Five Points Neighborhood. She later attended the University of Colorado at Denver, and is an alumna of Harvard University's John F. Kennedy School of Government. As a testament to her dedication to public service in Colorado, Wilma also has received honorary doctoral degrees from the University of Northern Colorado and the Art Institute of Colorado.

By 1980, Wilma had become a state representative in the Colorado General Assembly, where she served for 13 years, distinguishing herself as a trailblazing leader in the State Capitol. Among her achievements, Wilma spearheaded legislation to prevent discrimination in its many forms. For example, Wilma successfully secured the ability of the Colorado Civil Rights Commission and Division to use the power of subpoena in cases of discrimination. The first woman to represent House District 8, she was also a champion for the rights of women and led legislation to make it unlawful to discriminate against women in the workplace or in the pursuit of an education. Wilma fought to help women and minority professionals lead successful businesses in Colorado. Additionally, Wilma served as an advocate to end discrimination on the basis of a person's sexual orientation or physical disability.

In the 1980s, the United States was considering a policy of divestment in South Africa because of its abhorrent system known as apartheid. At this time, early in her career as a State Representative, Wilma had the foresight and determination to lead the divestment effort in Colorado. To do so, she carried bills to discourage investment in South Africa until Nelson Mandela was freed from imprisonment on Robben Island and justice was restored to the country's political system. It's a stance that many of us think is common sense now, but we must remember that it took brave leaders like Wilma to be on the forefront of the fight several decades ago.

Wilma's leadership to expand civil rights is laudable, and includes many successful initiatives that make Coloradans proud. She is perhaps most widely known and celebrated for her effort to establish Martin Luther King, Jr. Day as a State holiday in Colorado. Founding the Martin Luther King, Jr. Colorado Holiday Commission along with Mrs. Coretta Scott King and Governor Richard D. Lamm, Wilma committed 18 years to serving as its President and Chairman. The commission, helmed by Wilma, was responsible for organizing the annual ''Marade'' in the heart of Denver and has served to unite and educate communities across Colorado on the spirit and contributions of Dr. King. The Marade, uniquely named for being both a march and a parade, is one of the largest celebrations of its kind across the country. I have had the distinct privilege of participating in it over the years. In fact, just last month I was in Denver to mark the occasion, and it is among the most important ways we have to celebrate our diverse communities and honor the values to which Dr. King devoted his life. To me, Wilma's visionary leadership in honoring Dr. King's legacy symbolizes our nation's inexorable march toward greater equality and justice for all Americans.

There are many other notable achievements of Wilma Webb. I would like to discuss a few more.

She has been a pioneer on education issues, fighting for a level playing field

and full-day kindergarten so that Colorado's children are able to get a quality education. I will note that in President Obama's most recent State of the Union address, he called for a nationwide effort to establish a mechanism to keep students in school until they are 18 years old or graduate high school. It did not surprise me to learn that Wilma, in her days as a state legislator, carried measures to do the same for Colorado's youth over 20 years ago.

Wilma served as a voice for the community's poor by carrying legislation that supported Colorado's most vulnerable populations, and she successfully advanced provisions that improved the living conditions of both the elderly and troubled youth.

Wilma also developed a prowess tackling thorny budgetary issues. As she rose to become an influential member of the State legislature, she was the first minority woman to earn a prestigious spot on the Joint Budget Committee responsible for guiding Colorado's budget priorities.

Yet Wilma's achievements go beyond what I have mentioned here and are not limited to her time in the General Assembly. Those of us who know Wilma know that her life extends far beyond that.

Wilma was the first African-American woman to be the First Lady of Denver. She stood by her husband, former Mayor Wellington Webb, as an active leader in the affairs of the city and a respected figure within its diverse communities. I know how proud my friend Wellington is of his wife, and vice versa. They are the epitome of a ''power couple,'' but more importantly, a couple devoted to public service.

As First Lady, Wilma was unyielding in her efforts to end drug abuse and consequently devoted much of her time and energy to strengthening Colorado's comprehensive anti-drug abuse programs. These programs, the first of their kind, were enacted as a result of a bill she carried during her days in the Colorado State House.

Wilma was also devoted to resolving the unique issues facing families and youth throughout Denver. As if that did not keep her busy enough, Wilma took on the responsibility of hosting local, national and foreign dignitaries in Denver, and also traveling abroad to over 23 countries to represent Denver and build relationships with worldwide partners. She was instrumental in creating and implementing the Mayor's vision for the arts and played a key role in revitalizing the cultural and artistic vitality of Denver. In one notable example, Wilma founded the Denver Art, Culture and Film Foundation to raise money for public art projects.

And she certainly did not stop after her First Lady of Denver duties were done. Colorado and the Mountain West were fortunate to have Wilma's leadership extend to a new position: she became the U.S. Secretary of Labor's Representative for the Department of Labor's Region VIII. To no one's surprise, Wilma yet again blazed a new trail as the first woman to fill this role, where she had significant budgetary oversight and directed special projects to resolve labor and workforce issues in the West. Her commitment to public service on the Federal level was just as productive as her time working at the State level.

It is clear Wilma has had an extraordinary career. She is warm, she is a visionary leader, she is exceptionally skilled, and she is driven by the desire to do what is right for Coloradans. Yet throughout her years as a leader, she has maintained a strong sense of the importance of family. As a daughter, a wife, a mother and a grandmother, she has been a cornerstone for all those around her. As someone who values the importance of balancing work life with family life, I respect the example that Wilma sets in that regard.

As I conclude, let me say to my colleagues that I am proud—and Coloradans are proud to count Wilma among our numbers. She has earned the 2012 Civil Rights Award through her years of dedication, innovation and persistence in making Colorado a better place. She is a pioneer for civil rights and a forward-thinking public servant who has etched her mark on the lives of Colorado's families, youth and marginalized communities. I commend Wilma for advancing the rights of every Coloradan and for a lifetime of service to others. On behalf of all Coloradans, I extend hearty congratulations on Wilma's well-earned honor, with full confidence that she will continue her groundbreaking work.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

BUDGET OF THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2013—PM 40

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; to the Committees on Appropriations; and the Budget:

To the Congress of the United States:

America was built on the idea that anyone who is willing to work hard and play by the rules, can make it if they try—no matter where they started out. By giving every American a fair shot, asking everyone to do their fair share, and ensuring that everyone played by the same rules, we built the great American middle class and made our country a model for the world.

Today, America is still home to the world's best universities, most productive workers, and most innovative companies. But for many Americans, the basic bargain at the heart of the American Dream has eroded.

Long before this recession hit, there was a widespread feeling that hard work had stopped paying off; that fewer and fewer of those who contributed to the success of our economy actually benefited from that success. Those at the very top grew wealthier while everyone else struggled with paychecks that did not keep up with the rising cost of everything from college tuition to groceries. And as a result, too many families found themselves taking on more and more debt just to keep up—often papered over by mounting credit card bills and home equity loans.

Then, in the middle of 2008, the house of cards collapsed. Too many mortgages had been sold to people who could not afford—or even understand—them. Banks had packaged too many risky loans into securities and then sold them to investors who were misled or misinformed about the risks involved. Huge bets had been made and huge bonuses had been paid out with other people's money. And the regulators who were supposed to prevent this crisis either looked the other way or did not have the authority to act.

In the end, this growing debt and irresponsibility helped trigger the worst economic crisis since the Great Depression. Combined with new tax cuts and new mandatory programs that had never been paid for, it threw our country into a deep fiscal hole. And millions of hardworking Americans lost their jobs, their homes, and their basic economic security.

Today, we are seeing signs that our economy is on the mend. But we are not out of the woods yet. Instead, we are facing a make-or-break moment for the middle class, and for all those who are fighting to get there. What is at stake is whether or not this will be a country where working people can earn enough to raise a family, build modest savings, own a home, and secure their retirement. This is the defining issue of our time.

This Budget reflects my deep belief that we must rise to meet this moment—both for our economy and for the millions of Americans who have worked so hard to get ahead.

We built this Budget around the idea that our country has always done best when everyone gets a fair shot, everyone does their fair share, and everyone plays by the same rules. It rejects the ''you're on your own'' economics that have led to a widening gap between the

richest and poorest Americans that undermines both our belief in equal opportunity and the engine of our economic growth. When the middle class is shrinking, and families can no longer afford to buy the goods and services that businesses are selling, it drags down our entire economy. And countries with less inequality tend to have stronger and steadier economic growth over the long run.

The way to rebuild our economy and strengthen the middle class is to make sure that everyone in America gets a fair shot at success. Instead of lowering our standards and our sights, we need to win a race to the top for good jobs that pay well and offer security for the middle class. To succeed and thrive in the global, high-tech economy, we need America to be a place with the highest-skilled, highest-educated workers; the most advanced transportation and communication networks; and the strongest commitment to research and technology in the world. This Budget makes investments that can help America win this race, create good jobs, and lead in the world economy.

And it does so with the understanding that we need an economy that is no longer burdened by years of debt and in which everyone shoulders their fair share to put our fiscal house in order. When I took office 3 years ago, my Administration was left an annual deficit of $1.3 trillion, or 9.2 percent of GDP, and a projected 10-year deficit of more than $8 trillion. These deficits were the result of a previous 8 years of undertaking initiatives, but not paying for them—especially two large tax cuts and a new Medicare prescription drug benefit—as well as the financial crisis and recession that made the fiscal situation worse as revenue decreased and automatic Government outlays increased to counter the downturn.

We have taken many steps to re-establish fiscal responsibility, from instituting a statutory pay-as-you-go rule for spending to going through the budget line by line looking for outdated, ineffective, or duplicative programs to cut or reform. Importantly, we enacted the Affordable Care Act, which will not only provide Americans with more affordable choices and freedom from insurance company abuses, but will also reduce our budget deficits by more than $1 trillion over the next two decades.

As economic growth was beginning to take hold last year, I took further steps to put our Nation on a fiscally sustainable path that would strengthen the foundation of the economy for years to come. In April of 2011, I put forward my Framework for Shared Prosperity and Shared Fiscal Responsibility that built on the 2012 Budget to identify $4 trillion in deficit reduction. During negotiations over extending the debt ceiling in the summer, I presented to congressional Republicans another balanced plan to achieve $4 trillion in deficit reduction. Finally, in September, I sent my Plan for Economic Growth and Deficit Reduction to the Joint Select Committee on Deficit Reduction, which detailed a way to achieve $3 trillion in deficit reduction on top of the $1 trillion already achieved in the Budget Control Act of 2011 that I signed into law the previous month.

I also made sure that this plan covered the cost of the American Jobs Act—a set of bipartisan, commonsense proposals designed to put more people back to work, put more money in the pockets of the middle class, and do so without adding a dime to the deficit at a time when it was clear that global events were slowing the economic recovery and our ability to create more jobs. Unfortunately, Republicans in Congress blocked both our deficit reduction measures and almost every part of the American Jobs Act for the simple reason that they were unwilling to ask the wealthiest Americans to pay their fair share.

In the year ahead, I will continue to pursue policies that will shore up our economy and our fiscal situation. Together with the deficit reduction I signed into law this past year, this Budget will cut the deficit by $4 trillion over the next decade. This will put the country on a course to a level of deficits below 3 percent of GDP by the end of the decade, and will also allow us to stabilize the Federal debt relative to the size of the economy. To get there, this Budget contains a number of steps to put us on a fiscally sustainable path.

First, this Budget implements the tight discretionary spending caps that I signed into law in the Budget Control Act of 2011. These caps will generate approximately $1 trillion in deficit reduction over the next decade. Building on reductions we already have made, this will result in a cut in discretionary spending of $42 billion since 2010 when higher levels of Federal spending were essential to provide a jumpstart to the economy. Meeting the spending targets in this Budget meant some very difficult choices: reforming, consolidating, or freezing programs where we could; cutting programs that were not effective or essential and even some that were, but are now unaffordable; and precisely targeting our investments. Every department will feel the impact of these reductions as they cut programs or tighten their belts to free up more resources for areas critical to economic growth. And throughout the entire Government, we will continue our efforts to make programs and services work better and cost less: using competition and high standards to get the most from the grants we award; getting rid of excess Federal real estate; and saving billions of dollars by cutting overhead and administrative costs.

Second, this Budget begins the process of implementing my new defense strategy that reconfigures our force to meet the challenges of the coming decade. Over the past 3 years, we have made historic investments in our troops and their capabilities, military families, and veterans. After a decade of war, we are at an inflection point: American troops have left Iraq; we are undergoing a transition in Afghanistan so Afghans can assume more responsibility; and we have debilitated al Qaeda's leadership, putting that terrorist network on the path to defeat. At the same time, we have to renew our economic strength here at home, which is the foundation of our strength in the world, and that includes putting our fiscal house in order. To ensure that our defense budget is driven by a clear strategy that reflects our national interests, I directed the Secretary of Defense and military leadership to undertake a comprehensive strategic review.

I presented the results of the review, reflecting my guidance and the full support of our Nation's military leadership, at the Pentagon on January 5. There are several key elements to this new strategy. To sustain a global reach, we will strengthen our presence in the Asia Pacific region and continue vigilance in the Middle East. We will invest in critical partnerships and alliances, including NATO, which has demonstrated time and again—most recently in Libya—that it is a force multiplier. Looking past Iraq and Afghanistan to future threats, the military no longer will be sized for large-scale, prolonged stability operations. The Department of Defense will focus modernization on emerging threats and sustaining efforts to get rid of outdated Cold War-era systems so that we can invest in the capabilities we need for the future, including intelligence, surveillance and reconnaissance capabilities. My Administration will continue to enhance capabilities related to counterterrorism and countering weapons of mass destruction, and we will also maintain the ability to operate in environments where adversaries try to deny us access. And, we will keep faith with those who serve by giving priority to our wounded warriors, servicemembers' mental health, and the well-being of military families.

Adapting our forces to this new strategy will entail investing in high-priority programs, such as unmanned surveillance aircraft and upgraded tactical vehicles. It will mean terminating unnecessary and lower-priority programs such as the C–27 airlift aircraft and a new weather satellite and maintaining programs such as the Joint Strike Fighter at a reduced level. All told, reductions in the growth of defense spending will save $487 billion over the next 10 years. In addition, the end of our military activities in Iraq and the wind-down of operations in Afghanistan will mean that the country will spend 24 percent less on overseas contingency operations (OCO) this year than it did last year, saving $30 billion. I also am proposing a multi-year cap on OCO spending so that we fully realize the dividends of this change in policy.

Third, I believe that in our country, everyone must shoulder their fair share—especially those who have benefited the most from our economy. In the United States of America, a teacher, a nurse, or a construction worker who earns $50,000 a year should not pay taxes at a higher rate than somebody making $50 million. That is wrong. It is wrong for Warren Buffett's secretary to pay a higher tax rate than Warren Buffett. This is not about class warfare; this is about the Nation's welfare. This is about making fair choices that benefit not just the people who have done fantastically well over the last few decades, but that also benefit the middle class, those fighting to get into the middle class, and the economy as a whole.

In the Budget, I reiterate my opposition to permanently extending the Bush tax cuts for families making more than $250,000 a year and my opposition to a more generous estate tax than we had in 2009 benefiting only the very largest estates. These policies were unfair and unaffordable when they were passed, and they remain so today. I will push for their expiration in the coming year. I also propose to eliminate special tax breaks for oil and gas companies; preferred treatment for the purchase of corporate jets; tax rules that give a larger percentage deduction to the wealthiest two percent than to middle-class families for itemized deductions; and a loophole that allows some of the wealthiest money managers in the country to pay only 15 percent tax on the millions of dollars they earn. And I support tax reform that observes the ''Buffett Rule'' that no household making more than $1 million annually should pay a smaller share of its income taxes than middle-class families pay.

Fourth, to build on the work we have done to reduce health care costs through the Affordable Care Act, I am proposing more than $360 billion in reforms to Medicare, Medicaid, and other health programs over 10 years. The goal of these reforms is to make these critical programs more effective and efficient, and help make sure our health care system rewards high-quality medicine. What it does not do—and what I will not support—are efforts to turn Medicare into a voucher or Medicaid into a block grant. Doing so would weaken both programs and break the promise that we have made to American seniors, people with disabilities, and low-income families—a promise I am committed to keeping.

Finally, to address other looming, long-term challenges to our fiscal health, I have put forward a wide range of mandatory savings. These include reductions in agricultural subsidies, changes in Federal employee retirement and health benefits, reforms to the unemployment insurance system and the Postal Service, and new efforts to provide a better return to taxpayers from mineral development. Drawn from the plan I presented to the Joint Select Committee on Deficit Reduction, these mandatory proposals would save $217 billion over the next decade.

Reining in our deficits is not an end in and of itself. It is a necessary step to rebuilding a strong foundation so our economy can grow and create good jobs. That is our ultimate goal. And as we tighten our belts by cutting, consolidating, and reforming programs, we also must invest in the areas that will be critical to giving every American a fair shot at success and creating an economy that is built to last.

That starts with taking action now to strengthen our economy and boost job creation. We need to finish the work we started last year by extending the payroll tax cut and unemployment benefits for the rest of this year. We also need to take additional measures to put more people back to work. That is why I introduced the American Jobs Act last year and why I will continue to put forward many of the ideas it contained, as well as additional measures, to put people back to work by rebuilding our infrastructure, providing businesses tax incentives to invest and hire, and giving States aid to rehire teachers and first responders.

We also know that education and lifelong learning will be critical for anyone trying to compete for the jobs of the future. That is why I will continue to make education a national mission. What one learns will have a big impact on what he or she earns: the unemployment rate for Americans with a college degree or more is only about half the national average, and the incomes of college graduates are twice as high as those without a high school diploma.

When I took office, I set the goal for America to have the highest proportion of college graduates in the world by 2020. To reach that goal, we increased the maximum annual Pell Grant by more than $900 to help nearly 10 million needy students afford a college education. The 2013 Budget continues that commitment and provides the necessary resources to sustain the maximum award of $5,635. In this Budget, I also propose a series of new proposals to help families with the costs of college including making permanent the American Opportunity Tax Credit, a partially refundable tax credit worth up to $10,000 per student over 4 years of college, and rewarding colleges and universities that act responsibly in setting tuition, providing the best value, and serving needy students well.

To help our students graduate with the skills they will need for the jobs of the future, we are continuing our effort to prepare 100,000 science and math teachers over the next decade. To improve our elementary and secondary schools, we are continuing our commitment to the Race to the Top initiative that rewards the most innovative and effective ways to raise standards, recruit and retain good teachers, and raise student achievement. My Budget invests $850 million in this effort, which already has been expanded to cover early learning and individual school districts.

And to prepare our workers for the jobs of tomorrow, we need to turn our unemployment system into a re-employment system. That includes giving more community colleges the resources they need to become community career centers—places that teach skills that businesses are looking for right now, from data management to high-tech manufacturing.

Once our students and workers gain the skills they need for the jobs of the future, we also need to make sure those jobs end up in America. In today's high-tech, global economy, that means the United States must be the best place in the world to take an idea from the drawing board to the factory floor to the store shelves. In this Budget, we are sustaining our level of investment in non-defense research and development (R&D) even as overall spending declines, thereby keeping us on track to double R&D funding in the key R&D agencies. We are supporting research at the National Institutes of Health that will accelerate the translation of new discoveries in biomedical science into new therapies and cures, along with initiatives at the Food and Drug Administration that will speed the approval of new medicines. We make important investments in the science and research needed to tackle the most important environmental challenges of our time, and we are investing in fields as varied as cyber-security, nano-technology, and advanced manufacturing. This Budget also puts an emphasis on the basic research that leads to the breakthroughs of tomorrow, which increasingly is no longer being conducted by the private sector, as well as helping inventors bring their innovations from laboratory to market.

This Budget reflects the importance of safeguarding our environment while strengthening our economy. We do not have to choose between having clean air and clean water and growing the economy. By conserving iconic American landscapes, restoring significant ecosystems from the Everglades to the Great Lakes, and achieving measurable improvements in water and air quality, we are working with communities to protect the natural resources that serve as the engines of their local economies.

Moreover, this Budget continues my Administration's commitment to developing America's diverse, clean sources of energy. The Budget eliminates unwarranted tax breaks for oil companies, while extending key tax incentives to spur investment in clean energy manufacturing and renewable energy production. The Budget also invests in R&D to catalyze the next generation of clean energy technologies. These investments will help us achieve our goal of doubling the share of electricity from clean energy sources by 2035. By promoting American leadership in advanced vehicle manufacturing, including funding to encourage

greater use of natural gas in the transportation sector, the Budget will help us reach our goal of reducing oil imports by one-third by 2025 and position the United States to become the first country to have one million electric vehicles on the road by 2015. We also are working to decrease the amount of energy used by commercial and industrial buildings by 20 percent to complement our ongoing efforts to improving the efficiency of the residential sector. And we will work with the private sector, utilities, and States to increase the energy productivity of American industries while investing in the innovative processes and materials that can dramatically reduce energy use.

It is also time for government to do its part to help make it easier for entrepreneurs, inventors, and workers to grow their businesses and thrive in the global economy. I am calling on Congress to immediately begin work on corporate tax reform that will close loopholes, lower the overall rate, encourage investment here at home, simplify taxes for America's small businesses, and not add a dime to the deficit. Moreover, to further assist these companies, we need a comprehensive reorganization of the parts of the Federal Government that help businesses grow and sell their products abroad. If given consolidation authority—which Presidents had for most of the 20th century—I will propose to consolidate six agencies into one Department, saving money, and making it easier for all companies—especially small businesses—get the help they need to thrive in the world economy.

Finally, this Budget advances the national security interests of the United States, including the security of the American people, the prosperity and trade that creates American jobs, and support for universal values around the world. It increases funding for the diplomatic efforts that strengthen the alliances and partnerships that improve international cooperation in meeting shared challenges, open new markets to American exports, and promote development. It invests in the intelligence and homeland security capabilities to detect, prevent, and defend against terrorist attacks against our country.

As we implement our new defense strategy, my Administration will invest in the systems and capabilities we need so that our Armed Forces are configured to meet the challenges of the coming decade. We will continue to invest in improving global health and food security so that we address the root causes of conflict and security threats. And we will keep faith with our men and women in uniform, their families, and veterans who have served their Nation.

These proposals will take us a long way towards strengthening the middle class and giving families the sense of security they have been missing for too long. But in the end, building an economy that works for everyone will require all of us to take responsibility. Parents will need to take greater responsibility for their children's education. Homeowners will have to take more responsibility when it comes to buying a house or taking out a loan. Businesses will have to take responsibility for doing right by their workers and our country. And those of us in public service will need to keep finding ways to make government more efficient and more effective.

Understanding and honoring the obligations we have to ourselves and each other is what has made this country great. We look out for each other, pull together, and do our part. But Americans also deserve to know that their hard work will be rewarded.

This Budget is a step in the right direction. And I hope it will help serve as a roadmap for how we can grow the economy, create jobs, and give Americans everywhere the security they deserve.

BARACK OBAMA.

THE WHITE HOUSE, *February 13, 2012*.

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. VITTER (for himself, Mr. HOEVEN, and Mr. LUGAR):

S. 2100. A bill to suspend sales of petroleum products from the Strategic Petroleum Reserve until certain conditions are met; to the Committee on Energy and Natural Resources.

By Mr. JOHNSON of South Dakota:

S. 2101. An original bill to strengthen the multilateral sanctions regime with respect to Iran, to expand sanctions relating to the energy sector of Iran, the proliferation of weapons of mass destruction by Iran, and human rights abuses in Iran, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mrs. FEINSTEIN (for herself and Ms. MIKULSKI):

S. 2102. A bill to provide the authority to monitor and defend against cyber threats, to improve the sharing of cybersecurity information, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEE:

S. 2103. A bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1945. A bill to permit the televising of Supreme Court proceedings.

By Mr. JOHNSON of South Dakota, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2101. An original bill to strengthen the multilateral sanctions regime with respect to Iran, to expand sanctions relating to the energy sector of Iran, the proliferation of weapons of mass destruction by Iran, and human rights abuses in Iran, and for other purposes.

ADDITIONAL COSPONSORS

S. 91

At the request of Mr. WICKER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 91, a bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and unborn human person.

S. 339

At the request of Mr. BAUCUS, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 414

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Ohio (Mr. BROWN), the Senator from Washington (Mrs. MURRAY) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 414, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 418

At the request of Mr. HARKIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 489

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 489, a bill to require certain mortgagees to evaluate loans for modifications, to establish a grant program for State and local government mediation programs, and for other purposes.

S. 641

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 641, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 740

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

S. 816

At the request of Mr. BROWN of Ohio, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added

as a cosponsor of S. 816, a bill to facilitate nationwide availability of volunteer income tax assistance for low-income and underserved populations, and for other purposes.

S. 967

At the request of Mr. MERKLEY, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 967, a bill to establish clear regulatory standards for mortgage servicers, and for other purposes.

S. 996

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

S. 1039

At the request of Mr. CARDIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1616

At the request of Mr. ENZI, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1701

At the request of Ms. SNOWE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1701, a bill to amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998, and for other purposes.

S. 1747

At the request of Mrs. HAGAN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1747, a bill to amend the Fair Labor Standards Act of 1938 to modify provisions relating to the exemption for computer systems analysts, computer programmers, software engineers, or other similarly skilled workers.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1990

At the request of Mr. LIEBERMAN, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 2028

At the request of Mr. BROWN of Ohio, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2028, a bill to amend titles 23 and 49, United States Code, to ensure that transportation and infrastructure projects carried out using Federal financial assistance are constructed with steel, iron, and manufactured goods that are produced in the United States, and for other purposes.

S. 2066

At the request of Ms. MURKOWSKI, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 2066, a bill to recognize the heritage of recreational fishing, hunting, and shooting on Federal public land and ensure continued opportunities for those activities.

S. 2069

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2069, a bill to amend the Public Health Service Act to speed American innovation in research and drug development for the leading causes of death that are the most costly chronic conditions for our Nation, to save American families and the Federal and State governments money, and to help family caregivers.

S. 2077

At the request of Mr. BLUMENTHAL, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2077, a bill to amend the Older Americans Act of 1965 to authorize Federal assistance to State adult protective services programs, and for other purposes.

S. 2090

At the request of Mr. AKAKA, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2090, a bill to amend the Indian Law Enforcement Reform Act to extend the period of time provided to the Indian Law and Order Commission to produce a required report, and for other purposes.

S. 2099

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2099, a bill to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection.

S. RES. 310

At the request of Ms. MIKULSKI, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the ''Year of the Girl'' and Congratulating Girl Scouts of the USA on its 100th anniversary.

S. RES. 370

At the request of Mr. CASEY, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Massachusetts (Mr. BROWN) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. Res. 370, a resolution calling for democratic change in Syria.

AMENDMENT NO. 1516

At the request of Mr. MCCAIN, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of amendment No. 1516 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 1516 intended to be proposed to S. 1813, supra.

AMENDMENT NO. 1520

At the request of Mr. BLUNT, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of amendment No. 1520 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1532

At the request of Mr. PAUL, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of amendment No. 1532 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Ms. MIKULSKI):

S. 2102. A bill to provide the authority to monitor and defend against cyber threats, to improve the sharing of cybersecurity information, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Cybersecurity Information Sharing Act of 2012, which will improve the sharing of cyber threat and cybersecurity information in the private sector and with the federal government.

We all know that the cyber threat is perhaps the number one threat to our Nation at this time. It is significant that just last month, at the Senate Intelligence Committee's hearing on

Worldwide Threats, the U.S. Intelligence Community's official statement equated cyber threats to terrorism and proliferation as the highest priority threats to our security.

An unclassified report by the Intelligence Community made public in November 2011 said cyber intrusions against U.S. companies cost untold billions of dollars annually and named China and Russia as aggressive and persistent cyber thieves.

One of the main obstacles to better U.S. cybersecurity is that a combination of existing law, the threat of litigation, and standard business practices prevent or deter the private sector from sharing information about the cyber threats they face and the losses of information and money they suffer.

We know there have been multi-million dollar cyber thefts from the Royal Bank of Scotland, Citibank, and other financial institutions. But companies like these are reticent about making public these cyber attacks because that could further damage their bottom line.

Even cyber security companies like RSA and national security agencies like the Federal Bureau of Investigation fall victim to malicious cyber activity, but the lessons learned from those attacks are generally not shared with others that face the same threat.

Finally, cyber criminals violate our privacy by hacking into the computers in our homes. They steal passwords for our bank accounts, access our private information, and turn our computers into launching points for further attacks.

These cyber intrusions affect Americans in substantial and real ways, and the threat is only growing. After reviewing the intelligence for many years on the cyber threat, it is clear to me that foreign nations and non-state actors are already causing major damage to our economy. I am also convinced that these bad actors are capable of causing potentially catastrophic loss of life and economic damage by opening a dam, crashing our financial system, or bringing down the electric grid.

For these reasons, I am very pleased that Majority Leader REID is bringing comprehensive cybersecurity legislation to the Senate Floor after the President's Day Recess.

For 2 years, Leader REID has worked with the Chairmen and Ranking Members of all the committees of jurisdiction on cybersecurity to produce this legislation, and Senators ROCKEFELLER, COLLINS, LIEBERMAN and SNOWE in particular are to be commended for their extensive efforts in this area.

As the Chairman of the Intelligence Committee, I am particularly interested in legislation to address the need for better information sharing.

The intelligence committees in the Senate and House have been working to improve information sharing on counterterrorism since the terrorist attacks of September 11. The urgency in the cyber arena is just as important, but is, if anything, more difficult, as we must coordinate and protect the sharing of information that will go to a far greater number of entities, both public and private.

Unfortunately, the private sector entities that operate the critical networks that control financial markets, power plants, dams, and communications are prevented in very real ways from sharing information to warn each other of cyber threats. Barriers to such sharing include perceived financial and reputational risks; legal barriers in electronic surveillance laws; liability concerns that arise from potential lawsuits; and lack of one Federal agency in charge of cyber information sharing.

The bill I am introducing today will allow for more information sharing by providing clear authority to share cyber threat information and by reducing legal barriers to private entities' ability to work with each other and with the federal government to share cybersecurity information, in a manner that upholds privacy and civil liberties.

Participation in information sharing in this bill would be voluntary for companies, but any company that does share threat information will be protected for doing so, and the information would be subject to strict privacy controls.

I also want to be very clear that this bill does not give law enforcement or the Intelligence Community any new authorities for conducting surveillance.

In an op-ed published in the Wall Street Journal on January 27, 2012, former Director of National Intelligence Mike McConnell, former Secretary of Homeland Security Michael Chertoff, and former Deputy Secretary of Defense Bill Lynn said that the Intelligence Community needs to make cyber threat information available to other parts of the government and to commercial entities to maximize our cyber defenses.

The Cybersecurity Information Sharing Act of 2012 would do just that.

Specifically, this legislation requires the Federal government to designate a single focal point for cybersecurity information sharing. The bill refers to this focal point as a ''Cybersecurity Exchange'' because with cybersecurity, it's not enough for entities to operate as ''centers'' or ''task forces'' that only receive information; they must also serve as a hub for appropriately distributing and exchanging cyber threat information. The bill also requires the government to reduce bureaucratic obstacles to sharing so that the government can be a more effective partner for the private sector.

The bill establishes procedures for the government to share classified cybersecurity threat information with certified private sector entities. Generally, only government contractors can receive a security clearance, but other companies, such as Internet Service Providers, need to receive classified threat information in order to protect against attacks. This bill makes them eligible to receive security clearances for that purpose. Those companies would be under the same restrictions to protect classified information as the government.

The bill removes legal and policy barriers to information sharing by affirmatively authorizing private sector entities to monitor and defend their own networks and to share cyber information.

By creating a robust privacy compliance regime to ensure that information in the Federal government's hands is protected. Just as the Foreign Intelligence Surveillance Act, the Privacy Act, and many other statutes place conditions on the government's ability to use information it receives, this bill would limit the government's ability to use private sector cyber information for approved cybersecurity purposes only.

And also by providing appropriate liability protections for companies that share cyber information under the terms of the bill. A company that shares threat information with a cybersecurity exchange or with other private sector entities is protected under this bill from litigation for having done so. Many companies have told us that the threat of litigation deters them from sharing details about cyber attacks they have faced. In order to assist other companies and the government to protect against those attacks in the future, that information needs to be shared and acted upon.

I look forward to the consideration of this bill and the rest of the cyber legislative package that will be taken up by the Senate soon.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1534. Mr. VITTER (for himself, Mr. WICKER, Mr. SESSIONS, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table.

SA 1535. Mr. VITTER (for himself, Mr. WICKER, Mr. SESSIONS, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1536. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1537. Mr. HOEVEN (for himself, Mr. LUGAR, Mr. VITTER, Mr. MCCONNELL, Mr. JOHANNS, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1538. Mr. ROBERTS (for himself, Mr. NELSON of Nebraska, Mr. MORAN, and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1539. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1540. Mr. BLUNT (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1541. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1542. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1543. Mr. FRANKEN (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1544. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1545. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1546. Mr. LEVIN (for himself, Mr. LIEBERMAN, Mr. PORTMAN, Mr. BROWN of Ohio, Ms. STABENOW, Mrs. GILLIBRAND, Mr. WICKER, Mr. BLUMENTHAL, Mr. BEGICH, Ms. LANDRIEU, Mr. FRANKEN, Mr. KIRK, Mr. COONS, Mr. VITTER, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1547. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1548. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1549. Mr. CARDIN (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1550. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1551. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1552. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1553. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1554. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1555. Mr. TOOMEY (for himself, Mrs. MCCASKILL, Mr. DEMINT, Mr. RUBIO, Mr. PAUL, Mr. PORTMAN, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1556. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1557. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1558. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1559. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1560. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1561. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1562. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1563. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1564. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1565. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1566. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1567. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1568. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1534. Mr. VITTER (for himself, Mr. WICKER, Mr. SESSIONS, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SEC. ___. EXTENSION OF CERTAIN LEASES.

Notwithstanding any other provision of law, each lease issued by the Secretary of the Interior prior to January 1, 2011, for oil or gas production in the Gulf of Mexico, including both shallow water and deepwater leases, that has not been extended beyond the term of the original lease, shall be extended for a period of 1 year.

SA 1535. Mr. VITTER (for himself, Mr. WICKER, Mr. SESSIONS, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SEC. ___. EXTENSION OF LEASING PROGRAM.

(a) IN GENERAL.—The Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015 issued by the Secretary of the Interior (referred to in this section as the ''Secretary'') under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) shall be considered to be the final oil and gas leasing program under that section for the period of fiscal years 2013 through 2018.

(b) FINAL ENVIRONMENTAL IMPACT STATEMENT.—The Secretary is considered to have issued a final environmental impact statement for the program applicable to the period described in subsection (a) in accordance with all requirements under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

SA 1536. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MULTIYEAR CONTRACTS TO BUY RAIL CARS.

Section 5325(e)(1) of title 49, United States Code, as amended by this Act, is amended by striking ''5 years after the date of the original contract.'' and inserting the following: ''5 years after—

''(A) the date of the original contract; or

''(B) in the case of a contract to buy a rail car, the date on which the first rail car produced under the contract is delivered.''.

SA 1537. Mr. HOEVEN (for himself, Mr. LUGAR, Mr. VITTER, Mr. MCCONNELL, Mr. JOHANNS, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, add the following:

SEC. ___. APPROVAL OF KEYSTONE XL PIPELINE PROJECT.

(a) APPROVAL OF CROSS-BORDER FACILITIES.—

(1) IN GENERAL.—In accordance with section 8 of article 1 of the Constitution (delegating to Congress the power to regulate commerce with foreign nations), TransCanada Keystone Pipeline, L.P. is authorized to construct, connect, operate, and maintain pipeline facilities, subject to subsection (c), for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana, in accordance with the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) PERMIT.—Notwithstanding any other provision of law, no permit pursuant to Executive Order 13337 (3 U.S.C. 301 note) or any other similar Executive Order regulating construction, connection, operation, or maintenance of facilities at the borders of the United States, and no additional environmental impact statement, shall be required for TransCanada Keystone Pipeline, L.P. to construct, connect, operate, and maintain the facilities described in paragraph (1).

(b) CONSTRUCTION AND OPERATION OF KEYSTONE XL PIPELINE IN UNITED STATES.—

(1) IN GENERAL.—The final environmental impact statement issued by the Department of State on August 26, 2011, shall be considered to satisfy all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other provision of law that requires Federal agency consultation or review with respect to the cross-border facilities described in subsection (a)(1) and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) PERMITS.—Any Federal permit or authorization issued before the date of enactment of this Act for the cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall remain in effect.

(c) CONDITIONS.—In constructing, connecting, operating, and maintaining the cross-border facilities described in subsection (a)(1) and related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), TransCanada Keystone Pipeline, L.P. shall comply with the following conditions:

(1) TransCanada Keystone Pipeline, L.P. shall comply with all applicable Federal and State laws (including regulations) and all applicable industrial codes regarding the construction, connection, operation, and maintenance of the facilities.

(2) Except as provided in subsection (a)(2), TransCanada Keystone Pipeline, L.P. shall comply with all requisite permits from Canadian authorities and applicable Federal, State, and local government agencies in the United States.

(3) TransCanada Keystone Pipeline, L.P. shall take all appropriate measures to prevent or mitigate any adverse environmental impact or disruption of historic properties in connection with the construction, connection, operation, and maintenance of the facilities.

(4) The construction, connection, operation, and maintenance of the facilities shall be—

(A) in all material respects, similar to that described in—

(i) the application filed with the Department of State on September 19, 2008 (as supplemented and amended); and

(ii) the final environmental impact statement described in subsection (b)(1); and

(B) carried out in accordance with—

(i) the construction, mitigation, and reclamation measures agreed to for the project in the construction mitigation and reclamation plan contained in appendix B of the final environmental impact statement described in subsection (b)(1);

(ii) the special conditions agreed to between the owners and operators of the project and the Administrator of the Pipeline and Hazardous Materials Safety Administration of the Department of Transportation, as contained in appendix U of the final environmental impact statement;

(iii) the measures identified in appendix H of the final environmental impact statement, if the modified route submitted by the State of Nebraska to the Secretary of State crosses the Sand Hills region; and

(iv) the stipulations identified in appendix S of the final environmental impact statement.

(d) ROUTE IN NEBRASKA.—

(1) IN GENERAL.—Any route and construction, mitigation, and reclamation measures for the project in the State of Nebraska that is identified by the State of Nebraska and submitted to the Secretary of State under this section is considered sufficient for the purposes of this section.

(2) PROHIBITION.—Construction of the facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall not commence in the State of Nebraska until the date on which the Secretary of State receives a route for the project in the State of Nebraska that is identified by the State of Nebraska.

(3) RECEIPT.—On the date of receipt of the route described in paragraph (1) by the Secretary of State, the route for the project within the State of Nebraska under this section shall supersede the route for the project in the State specified in the application filed with the Department of State on September 19, 2008 (including supplements and amendments).

(4) COOPERATION.—Not later than 30 days after the date on which the State of Nebraska submits a request to the Secretary of State or any appropriate Federal official, the Secretary of State or Federal official shall provide assistance that is consistent with the law of the State of Nebraska.

(e) ADMINISTRATION.—

(1) IN GENERAL.—Any action taken to carry out this section (including the modification of any route under subsection (d)) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) STATE SITING AUTHORITY.—Nothing in this section alters any provision of State law relating to the siting of pipelines.

(3) PRIVATE PROPERTY.—Nothing in this section alters any Federal, State, or local process or condition in effect on the date of enactment of this Act that is necessary to secure access from an owner of private property to construct the project.

(f) FEDERAL JUDICIAL REVIEW.—The cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), that are approved by this section, and any permit, right-of-way, or other action taken to construct or complete the project pursuant to Federal law, shall only be subject to judicial review on direct appeal to the United States Court of Appeals for the District of Columbia Circuit.

SA 1538. Mr. ROBERTS (for himself, Mr. NELSON of Nebraska, Mr. MORAN, and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 1813 to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV of division C, add the following:

SEC. 34016. HAZARDOUS MATERIAL ENDORSEMENT EXEMPTION.

(a) EXCLUSION.—Section 5117(d)(1) of title 49, United States Code, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) a service vehicle carrying diesel fuel in quantities of 3,785 liters (1,000 gallons) or less that is—

''(i) driven by a Class A commercial driver's license holder who is a custom harvester, an agricultural retailer, an agricultural business employee, an agricultural cooperative employee, or an agricultural producer; and

''(ii) clearly marked with a placard reading 'Diesel Fuel'.''.

(b) EXEMPTION.—Section 31315(b) of title 49, United States Code, is amended by adding at the end the following:

''(8) HAZARDOUS MATERIALS ENDORSEMENT EXEMPTION.—The Secretary shall exempt all Class A commercial driver's license holders who are custom harvesters, agricultural retailers, agricultural business employees, agricultural cooperative employees, or agricultural producers from the requirement to obtain a hazardous material endorsement under part 383 of title 49, Code of Federal Regulations, while operating a service vehicle carrying diesel fuel in quantities of 3,785 liters (1,000 gallons) or less if the tank containing such fuel is clearly marked with a placard reading 'Diesel Fuel'.''.

SA 1539. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1813 to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON PRINTING CERTAIN DOCUMENTS.

(a) CONGRESSIONAL RECORD.—

(1) PROHIBITION ON PRINTING.—

(A) IN GENERAL.—Chapter 9 of title 44, United States Code, is amended by striking section 903 and inserting the following:

''§ 903. Congressional Record: daily and permanent forms

''(a) IN GENERAL.—The public proceedings of each House of Congress as reported by the Official Reporters, shall be included in the Congressional Record, which shall be issued in daily form during each session and shall be revised and made electronically available promptly, as directed by the Joint Committee on Printing, for distribution during and after the close of each session of Congress. The daily and the permanent Record shall bear the same date, which shall be that of the actual day's proceedings reported. The Government Printing Office shall not print the Congressional Record.

''(b) ELECTRONIC AVAILABILITY.—

''(1) GOVERNMENT PRINTING OFFICE.—The Government Printing Office shall make the Congressional Record available to the Secretary of the Senate and the Chief Administrative Officer of the House of Representatives in an electronic form in a timely manner to ensure the implementation of subsection (a).

''(2) WEBSITE.—The Secretary of the Senate and the Chief Administrative Officer of the House of Representatives shall make the Congressional Record available—

''(A) to the public on the websites of the Secretary of the Senate and the Chief Administrative Officer of the House of Representatives; and

''(B) in a format which enables the Congressional Record to be downloaded and printed by users of the website.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Chapter 9 of title 44, United States Code, is amended—

(i) in section 905, in the first sentence, by striking ''printing'' and inserting ''inclusion''; and

(ii) by striking sections 906, 909, and 910.

(B) TABLE OF SECTIONS.—The table of sections for chapter 9 of title 44, United States Code, is amended by striking the items relating to sections 906, 909, and 910.

(b) BUDGET OF THE UNITED STATES GOVERNMENT.—

(1) PROHIBITION ON PRINTING THE BUDGET OF THE UNITED STATES GOVERNMENT.—

(A) IN GENERAL.—Chapter 13 of title 44, United States Code, is amended by adding at the end the following:

''§ 1345. Prohibition on printing of the budget of the United States Government

''The Government Printing Office shall not print the budget of the United States Government described under section 1105 of title 31, United States Code.''.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 13 of

title 44, United States Code, is amended by adding after the item relating to section 1344 the following:

''Sec. 1345. Prohibition on printing of the budget of the United States Government.''.

(2) ELECTRONIC AVAILABILITY.—The Office of Management and Budget shall make the budget of the United States Government submitted to Congress under section 1105 of title 31, United States Code, available—

(A) to the public on the website of the Office of Management and Budget; and

(B) in a format which enables the budget to be downloaded and printed by users of the website.

(c) CALENDARS.—

(1) PROHIBITION ON PRINTING DAILY CALENDARS.—

(A) SENATE.—The Secretary of the Senate shall not print the Calendar of Business of the Senate or the Executive Calendar of the Senate.

(B) HOUSE OF REPRESENTATIVES.—The Clerk of the House of Representatives shall not print the Calendars of the House of Representatives.

(2) ELECTRONIC AVAILABILITY.—

(A) SENATE.—The Secretary of the Senate shall make the Calendar of Business of the Senate and the Executive Calendar of the Senate available—

(i) to the public on the website of the Senate; and

(ii) in a format which enables the Calendar of Business of the Senate and the Executive Calendar of the Senate to be downloaded and printed by users of the website.

(B) HOUSE OF REPRESENTATIVES.—The Clerk of the House of Representatives shall make the Calendars of the House of Representatives available—

(i) to the public on the website of the House of Representatives; and

(ii) in a format which enables the Calendars of the House of Representatives to be downloaded and printed by users of the website.

(d) DEFICIT REDUCTION.—Any savings attributable to this section or an amendment made by this section shall be transferred to the General Fund of the Treasury and used for deficit reduction.

SA 1540. Mr. BLUNT (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1813 to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 90, strike line 13 and all that follows through page 91, line 14, and insert the following:

''(A) SET-ASIDE.—Of the amounts apportioned to a State for fiscal year 2012 and each fiscal year thereafter under this section, the State shall obligate for activities described in subsection (c)(2) for off-system bridges an amount that is not less than 15 percent of the amount of funds apportioned to the State for the highway bridge program for fiscal year 2009.

''(B) REDUCTION OF EXPENDITURES.—The Secretary, after consultation with State and local officials, may reduce the requirement for expenditures for off-system bridges under subparagraph (A) with respect to the State if the Secretary determines that the State has inadequate needs to justify the expenditure.

SA 1541. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROHIBITION ON FOREIGN ASSISTANCE TO EGYPT.

Beginning 30 days after the date of the enactment of this Act, no amounts may be obligated or expended to provide any direct United States assistance to the Government of Egypt unless the President has, prior to such effective date, certified to Congress that—

(1) the Government of Egypt is not holding, detaining, prosecuting, harassing, or preventing the exit from Egypt of any person working for a nongovernmental organization supported by the United States Government on the basis of the person's association with or work for the nongovernmental organization; and

(2) the Government of Egypt is not holding any property of a nongovernmental organization described in paragraph (1) or of a person associated with such a nongovernmental organization.

SA 1542. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, add the following:

SEC. 15____. EQUAL OPPORTUNITY ASSESSMENT.

(a) IN GENERAL.—In accordance with this section, the Secretary shall conduct an assessment, throughout the United States, of the extent to which nondiscrimination and equal opportunity exist in the construction and operation of federally funded transportation projects, programs, and activities.

(b) SUPPORTING INFORMATION.—In conducting the assessment under subsection (a), the Secretary shall—

(1) review all demographic data, discrimination complaints, reports, and other relevant information collected or prepared by a recipient of Federal financial assistance or the Department pursuant to an applicable civil rights law (including regulations); and

(2) coordinate with the Secretary of Labor, as necessary, to obtain information regarding equitable employment and contracting opportunities.

(c) REPORT.—Not later than 4 years after the date of enactment of this Act, and every 4 years thereafter, the Secretary shall submit to Congress and publish on the website of the Department a report on the results of the assessment under subsection (a), which shall include the following:

(1) A specification of the impediments to nondiscrimination and equal opportunity in federally funded transportation projects, programs, and activities.

(2) Recommendations for overcoming the impediments specified under paragraph (1).

(3) A summary of the information on which the assessment is based.

(d) COLLECTION AND REPORTING PROCEDURES.—

(1) PUBLIC AVAILABILITY.—The Secretary shall ensure, to the maximum extent practicable, that all information reviewed or collected for the assessment under subsection (a) is made available to the public through the prompt and ongoing publication of the information, including a summary of the information, on the website of the Department.

(2) REGULATIONS.—The Secretary shall promulgate regulations for the collection and reporting of information necessary to carry out this section.

(e) COORDINATION.—In carrying out this section, the Secretary shall coordinate with the Director of the Bureau of Transportation Statistics, the Director of the Departmental Office of Civil Rights, the Secretary of Labor, and the heads of any other agencies that may contribute to the assessment under subsection (a).

SA 1543. Mr. FRANKEN (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 119 of title 23, United States Code (as amended by section 1106), strike subsection (e)(1) and insert the following:

''(P) Replacement (including replacement with fill material), rehabilitation, preservation, and protection (including scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) of bridges on Federal-aid highways (other than on the National Highway System).

''(e) LIMITATION ON NEW CAPACITY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the maximum amount that a State may obligate under this section for projects under subparagraphs (G) and (P) of subsection (d)(2) and that is attributable to the portion of the cost of any project undertaken to expand the capacity of eligible facilities on the National Highway System, in a case in which the new capacity consists of 1 or more new travel lanes that are not high-occupancy vehicle lanes, shall not, in total, exceed 40 percent of the combined apportionments of a State under section 104(b)(1) for the most recent 3 consecutive years.

SA 1544. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXTENSION OF WIND ENERGY CREDIT.

Paragraph (1) of section 45(d) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2013'' and inserting ''January 1, 2014''.

SEC. _____. COST OFFSET FOR EXTENSION OF WIND ENERGY CREDIT, AND DEFICIT REDUCTION, RESULTING FROM DELAY IN APPLICATION OF WORLD-WIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) of the Internal Revenue Code of 1986 are each amended by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SA 1545. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, add the following:

SEC. 15_____. PROTECTING AMERICANS FROM VIOLENT CRIME.

The Secretary of the Army shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including an assembled or functional firearm, at a water resources development project covered under section 327.0 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act), if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the water resources development project is located.

SA 1546. Mr. LEVIN (for himself, Mr. LIEBERMAN, Mr. PORTMAN, Mr. BROWN of Ohio, Ms. STABENOW, Mrs. GILLIBRAND, Mr. WICKER, Mr. BLUMENTHAL, Mr. BEGICH, Ms. LANDRIEU, Mr. FRANKEN, Mr. KIRK, Mr. COONS, Mr. VITTER, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SEC. _____. FUNDING FOR HARBOR MAINTENANCE PROGRAMS.

(a) HARBOR MAINTENANCE TRUST FUND GUARANTEE.—

(1) IN GENERAL.—The total budget resources made available from the Harbor Maintenance Trust Fund each fiscal year pursuant to section 9505(c) of the Internal Revenue Code of 1986 (relating to expenditures from the Harbor Maintenance Trust Fund) shall be equal to the level of receipts plus interest credited to the Harbor Maintenance Trust Fund for that fiscal year. Such amounts may be used only for harbor maintenance programs described in section 9505(c) of such Code.

(2) GUARANTEE.—No funds may be appropriated for harbor maintenance programs described in such section unless the amount described in paragraph (1) has been provided.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) TOTAL BUDGET RESOURCES.—The term ''total budget resources'' means the total amount made available by appropriations Acts from the Harbor Maintenance Trust Fund for a fiscal year for making expenditures under section 9505(c) of the Internal Revenue Code of 1986.

(2) LEVEL OF RECEIPTS PLUS INTEREST.—The term ''level of receipts plus interest'' means the level of taxes and interest credited to the Harbor Maintenance Trust Fund under section 9505 of the Internal Revenue Code of 1986 for a fiscal year as set forth in the President's budget baseline projection as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177; 99 Stat. 1092) for that fiscal year submitted pursuant to section 1105 of title 31, United States Code.

(c) ENFORCEMENT OF GUARANTEES.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause total budget resources in a fiscal year for harbor maintenance programs described in subsection (b)(1) for such fiscal year to be less than the amount required by subsection (a)(1) for such fiscal year.

SA 1547. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 424, between lines 2 and 3, insert the following:

SEC. 1406. SCHOOL ZONE TRAFFIC SAFETY IMPROVEMENTS.

Section 402(b)(3) of title 23, United States Code, is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary''; and

(2) by adding at the end the following:

''(B) SCHOOL ZONE SAFETY.—

''(i) IN GENERAL.—Subject to clause (ii), not later than 1 year after the date of enactment of the MAP-21, the Secretary shall require States to submit as part of the highway safety plan of the State, a plan, which shall be updated every 5 years, for law enforcement officers to use technologically advanced traffic enforcement devices (including automatic speed detection devices such as photo-radar) to improve safety in school zones.

''(ii) EXEMPTION.—Clause (i) shall not apply to States that, by State law enacted before or after the date of enactment of the MAP-21, prohibit the use of automatic speed detection devices.''.

SA 1548. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, add the following:

SEC. 15_____. REPORTING.

Section 152 of title 23, United States Code, is amended by striking subsection (g) and inserting the following:

''(g) REPORTING.—

''(1) STATE REPORTS ON SAFETY IMPROVEMENTS.—Not later than December 31 of each year, each State shall submit to the Secretary a report that describes progress made during the year covered by the report in—

''(A) implementing safety improvement projects for hazard elimination, including—

''(i) an assessment of the effectiveness of those improvements;

''(ii) an assessment of the cost of, and safety benefits derived from, the various means and methods used to mitigate or eliminate hazards; and

''(iii) a description of the accident experience at improved locations before and after completion of the projects; and

''(B) mitigating stormwater runoff from Federal-aid highways not covered by a municipal separate storm sewer system permit under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342), including an assessment by the State of—

''(i) the contribution of stormwater runoff from Federal-aid highways to State water impairment;

''(ii) constituent contaminates contained in that runoff;

''(iii) the impact of that runoff on water treatment facilities;

''(iv) the effectiveness (including descriptions) of control measures in mitigating that runoff; and

''(v) the cost of constructing and maintaining highway stormwater control measures on Federal-aid highways.

''(2) REPORT OF THE SECRETARY ON IMPLEMENTATION OF PROJECTS.—Not later than April 1 of each year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes, for the year covered by the report, the progress being made by the States in implementing the hazard elimination program, including, at a minimum—

''(A) a description of progress being made on projects for pavement marking;

''(B) the number of projects undertaken;

''(C) an explanation of the distribution of the projects by—

''(i) cost range;

''(ii) road system;

''(iii) means and methods used; and

''(iv) the accident experience at improved locations before and after completion of the improvements;

''(D) an analysis and evaluation of each State program;

''(E) identification of each State determined not to be in compliance with the schedule of improvements required by subsection (a); and

''(F) any recommendations of the Secretary for future implementation of the hazard elimination program.''.

SA 1549. Mr. CARDIN (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 10 and 11, insert the following:

''(3) DISTRIBUTION OF FUNDS.—

''(A) SUBALLOCATION TO TIER I METROPOLITAN PLANNING ORGANIZATIONS.—

''(i) IN GENERAL.—If a State has 1 or more Tier I metropolitan planning organizations, of the funds reserved under paragraph (1) (minus the deductions required under subparagraph (C)), the State shall allocate to each Tier 1 metropolitan planning organization an amount that is equal to the proportion that—

''(I) the population living in the metropolitan planning areas served by the Tier I metropolitan planning organization; bears to

''(II) the total population of the State.

''(ii) USE.—Amounts allocated under clause (i) shall be used for projects to be carried out within the boundaries of the applicable metropolitan planning areas served by the Tier I metropolitan planning organization.

''(B) LOCAL ACCESS TO FUNDS.—

''(i) DEFINITION OF ELIGIBLE ENTITY.—In this subparagraph, the term 'eligible entity' means—

''(I) a local government;

''(II) a regional transportation authority;

''(III) a transit agency;

''(IV) a natural resource or public land agency;

''(V) a school district, local education agency, or school; and

''(VI) any other local or regional governmental entity with responsibility for or oversight of transportation or recreational trails (other than a Tier 1 metropolitan planning organization or a State agency) that the State determines to be eligible, consistent with the goals of this subsection.

''(ii) AWARDS.—

''(I) IN GENERAL.—Of the funds reserved under paragraph (1) not subject to subparagraph (A), a State shall provide annually to eligible entities, on a competitive basis, awards to carry out this subsection.

''(II) APPLICATION.—To receive a grant under this subparagraph, an eligible entity shall submit to the State an application at

such time, in such form, and in such manner as the State determines to be necessary.

''(III) STATE RECAPTURE OF FUNDING.—If all eligible applications are not sufficient to use all funding allocated under this subparagraph, the State may use the remaining funds for State projects and priorities eligible under this subsection.

''(iii) CONDITIONS.—As a condition of receiving funds under the MAP-21, a State—

''(I) shall establish reasonable timelines for the review of applications received under clause (ii) and notification to applicants of the acceptance or denial of the applications; and

''(II) shall not withhold a grant from an eligible entity that has submitted an application under clause (ii) if—

''(aa) funds remain available to be obligated under this subsection; and

''(bb) the project for which the application is submitted is an eligible project under this subsection .

''(iv) PETITION.—An eligible entity may submit to the Secretary a petition for assistance if the eligible entity determines that the State has an established pattern of not making funds available to eligible entities in accordance with this subparagraph.

''(C) ADMINISTRATIVE PRIORITIES.—Of the funds reserved under paragraph (1) for each year, a State may use not more than 10 percent for administration and State priorities in accordance with this subsection.

On page 161, line 11, strike ''(3)'' and insert ''(4)''.

On page 162, line 1, strike ''(4)'' and ''insert (5)''.

On page 162, line 10, strike ''(5)'' and insert ''(6)''.

SA 1550. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 24, add the following:

SEC. 15___. DEFENSE ACCESS ROAD PROGRAM ENHANCEMENTS TO ADDRESS TRANSPORTATION INFRASTRUCTURE IN THE VICINITY OF MILITARY INSTALLATIONS.

The second sentence of section 210(a)(2) of title 23, United States Code, is amended by inserting '', in consultation with the Secretary of Transportation,'' before ''shall determine''.

SA 1551. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 248, line 15, strike ''or''.

On page 248, between lines 19 and 20, insert the following:

(iii) for a transportation-related purpose that is associated with a military installation involved in the base closure and realignment process described in section 2687 of title 10, United States Code;

On page 248, line 21, insert ''other than a project described in subparagraph (A)(iii),'' before ''has eligible''.

On page 253, between lines 11 and 12, insert the following:

(3) BRAC-RELATED PROJECTS.—Notwithstanding any other provision of this section, the Secretary shall use not less than 10 percent of amounts made available to carry out this section for each fiscal year to provide grants for projects described in subsection (c)(2)(A)(iii).

SA 1552. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 469, after line 22, add the following:

SEC. _____. FEDERAL-AID HIGHWAY RUNOFF POLLUTION MANAGEMENT PILOT PROGRAM.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code (as amended by section 1511) is amended by adding at the end the following:

''§ 331. Federal-aid highway runoff pollution management pilot program

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—In cooperation with selected State and regional governments, the Secretary shall establish a pilot program to develop programs designed to prevent, control, and treat polluted stormwater runoff discharges from federally funded highways and roads.

''(2) PURPOSE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency (referred to in this section as the 'Administrator'), shall select 3 States or regions to develop cost-effective programs to control and reduce the discharge of polluted highway stormwater runoff into adjacent and receiving waters proximate to highway facilities in accordance with subsection (b).

''(b) HIGHWAY STORMWATER CONTROL PILOT PROGRAMS.—

''(1) IN GENERAL.—Each State and region participating in the pilot program developed under this section shall, in coordination with the Secretary, develop a program of control measures for the operating condition of a covered project to maintain or restore, to the maximum extent technically feasible, water quality as required under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) with respect to the temperature, rate, chemical composition, volume, and duration of flow for water within the same 8-digit hydrological unit code as the covered project.

''(2) COVERED PROJECTS IN IMPAIRED WATERSHEDS.—Any covered project carried out within a watershed that contains an impaired water listed under section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)) shall be in accordance with the load or wasteload allocation requirements established by the applicable State or the Administrator.

''(c) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of the MAP–21, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

''(1) the highway runoff pollution reductions achieved for each covered project;

''(2) the costs to the participating State and regional departments of transportation associated with carrying out the pilot program;

''(3) the impact of the pilot program on—

''(A) the operation and maintenance costs for water infrastructure and water treatment of the applicable State and regional clean water and drinking authority; and

''(B) the ability of the applicable State and regional clean water and drinking authority to meet permit requirements; and

''(4) the water quality improvements attributable to the pilot program.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary.''.

(b) TECHNICAL AMENDMENT.—The analysis for chapter 3 of title 23, United States Code (as amended by section 1511) is amended by adding at the end the following:

''331. Federal-aid highway runoff pollution management pilot program.''.

SA 1553. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 11___. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) ELIGIBILITY OF ACCESS ROADS.—Section 133(c)(1) of title 23, United States Code (as amended by section 1108), is further amended by inserting ''and local access roads under section 14501 of title 40, United States Code'' after ''system''.

(b) LOCATION OF PROJECTS.—Section 133(e) of title 23, United States Code (as amended by section 1108), is further amended by inserting ''for local access roads under section 14501 of title 40, United States Code,'' after ''subsection (c),''.

SA 1554. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 5001. SHORT TITLE.

This title may be cited as the ''Small Company Capital Formation Act of 2012''.

SEC. 5002. AUTHORITY TO EXEMPT CERTAIN SECURITIES.

(a) IN GENERAL.—Section 3(b) of the Securities Act of 1933 (15 U.S.C. 77c(b)) is amended—

(1) by striking ''(b) The Commission'' and inserting the following:

''(b) ADDITIONAL EXEMPTIONS.—

''(1) SMALL ISSUES EXEMPTIVE AUTHORITY.—The Commission''; and

(2) by adding at the end the following:

''(2) ADDITIONAL ISSUES.—The Commission shall by rule or regulation add a class of securities to the securities exempted pursuant to this section in accordance with the following terms and conditions:

''(A) The aggregate offering amount of all securities offered and sold within the prior 12-month period in reliance on the exemption added in accordance with this paragraph shall not exceed $50,000,000.

''(B) The securities may be offered and sold publicly.

''(C) The securities shall not be restricted securities within the meaning of the Federal securities laws and the regulations promulgated thereunder.

''(D) The civil liability provision in section 12(a)(2) shall apply to any person offering or selling such securities.

''(E) The issuer may solicit interest in the offering prior to filing any offering statement, on such terms and conditions as the Commission may prescribe in the public interest or for the protection of investors.

''(F) The Commission shall require the issuer to file audited financial statements with the Commission annually.

''(G) Such other terms, conditions, or requirements as the Commission may determine necessary in the public interest and for the protection of investors, which may include—

''(i) a requirement that the issuer prepare and electronically file with the Commission and distribute to prospective investors an offering statement, and any related documents, in such form and with such content as prescribed by the Commission, including audited financial statements and a description of the issuer's business operations, its financial condition, its corporate governance principles, its use of investor funds, and other appropriate matters; and

''(ii) disqualification provisions under which the exemption shall not be available to the issuer or its predecessors, affiliates, officers, directors, underwriters, or other related persons, which shall be substantially similar to the disqualification provisions contained in the regulations adopted in accordance with section 926 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 77d note).

''(3) LIMITATION.—Only the following types of securities may be exempted under a rule or regulation adopted pursuant to paragraph (2): equity securities, debt securities, and debt securities convertible or exchangeable to equity interests, including any guarantees of such securities.

''(4) PERIODIC DISCLOSURES.—Upon such terms and conditions as the Commission determines necessary in the public interest and for the protection of investors, the Commission by rule or regulation may require an issuer of a class of securities exempted under paragraph (2) to make available to investors and file with the Commission periodic disclosures regarding the issuer, its business operations, its financial condition, its corporate governance principles, its use of investor funds, and other appropriate matters, and also may provide for the suspension and termination of such a requirement with respect to that issuer.

''(5) ADJUSTMENT.—Not later than 2 years after the date of enactment of the Small Company Capital Formation Act of 2011 and every 2 years thereafter, the Commission shall review the offering amount limitation described in paragraph (2)(A) and shall increase such amount as the Commission determines appropriate. If the Commission determines not to increase such amount, it shall report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on its reasons for not increasing the amount.''.

(b) TREATMENT AS COVERED SECURITIES FOR PURPOSES OF NSMIA.—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(1) in subparagraph (C), by striking ''; or'' at the end and inserting a semicolon; and

(2) by redesignating subparagraph (D) as subparagraph (E), and inserting after subparagraph (C) the following:

''(D) a rule or regulation adopted pursuant to section 3(b)(2) and such security is—

''(i) offered or sold on a national securities exchange; or

''(ii) offered or sold to a qualified purchaser as defined by the Commission pursuant to paragraph (3) with respect to that purchase or sale.''.

(c) CONFORMING AMENDMENT.—Section 4(5) of the Securities Act of 1933 (15 U.S.C. 77d(5)) is amended by striking ''section 3(b)'' and inserting ''section 3(b)(1)''.

SEC. 5003. STUDY ON THE IMPACT OF STATE BLUE SKY LAWS ON REGULATION A OFFERINGS.

Not later than 3 months after the date of enactment of this Act, the Comptroller General shall—

(1) conduct a study on the impact of State laws regulating securities offerings (commonly referred to as ''Blue Sky laws'') on offerings made under Regulation A (17 C.F.R. 230.251 et seq.); and

(2) transmit a report on the findings of the study to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SA 1555. Mr. TOOMEY (for himself, Mrs. MCCASKILL, Mr. DEMINT, Mr. RUBIO, Mr. PAUL, Mr. PORTMAN, and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EARMARK ELIMINATION ACT OF 2012.

(a) SHORT TITLE.—This Act may be cited as the ''Earmark Elimination Act of 2011''.

(b) PROHIBITION ON EARMARKS.—

(1) BILLS AND JOINT RESOLUTIONS, AMENDMENTS, AMENDMENTS BETWEEN THE HOUSES, AND CONFERENCE REPORTS.—

(A) IN GENERAL.—It shall not be in order in the Senate to consider a bill or resolution introduced in the Senate or the House of Representatives, amendment, amendment between the Houses, or conference report that includes an earmark.

(B) PROCEDURE.—Upon a point of order being made by any Senator pursuant to subparagraph (A) against an earmark, and such point of order being sustained, such earmark shall be deemed stricken.

(2) CONFERENCE REPORT AND AMENDMENT BETWEEN THE HOUSES PROCEDURE.—When the Senate is considering a conference report on, or an amendment between the Houses, upon a point of order being made by any Senator pursuant to paragraph (1), and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable under the same conditions as was the conference report. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(3) WAIVER.—Any Senator may move to waive any or all points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(4) DEFINITIONS.—

(A) EARMARK.—For the purpose of this section, the term ''earmark'' means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives as certified under paragraph 1(a)(1) of rule XLIV of the Standing Rules of the Senate—

(i) providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(ii) that—

(I) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

(II) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

(iii) modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(B) DETERMINATION BY THE SENATE.—In the event the Chair is unable to ascertain whether or not the offending provision constitutes an earmark as defined in this subsection, the question of whether the provision constitutes an earmark shall be submitted to the Senate and be decided without debate by an affirmative vote of two-thirds of the Members, duly chosen and sworn

(5) APPLICATION.—This section shall not apply to any authorization of appropriations to a Federal entity if such authorization is not specifically targeted to a State, locality or congressional district.

SA 1556. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EMERGENCY EXEMPTIONS.

With respect to any road, highway, or bridge that is closed or is operating at reduced capacity because of safety reasons—

(1) the road, highway, or bridge may be reconstructed in the same general location as before the disaster; and

(2) such reconstruction shall be exempt from any environmental reviews, approvals, licensing, and permit requirements.

SA 1557. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXEMPTIONS FOR PROJECTS CARRIED OUT WITH NON-FEDERAL FUNDS.

A road, highway, or bridge project carried out only using State or other non-Federal funds shall be exempt from any environmental reviews, approvals, licensing, and permit requirements.

SA 1558. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXEMPTION FROM REVIEW REQUIREMENTS.

Any request for an approval, such as a request for approval of a permit or license, relating to a transportation project under any

Federal law (including a regulation) that is not approved or denied by the date that is 180 days after the date on which the request for the approval is submitted to the Secretary or other appropriate Federal official shall be considered to be approved.

SA 1559. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ENVIRONMENTAL IMPACT STATEMENTS.

Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) is amended by adding at the end the following:

"SEC. 106. COMPLETION AND REVIEW OF ENVIRONMENTAL IMPACT STATEMENTS.

''(a) COMPLETION.—

''(1) IN GENERAL.—Each review carried out under section 102(2)(C) shall be completed not later than the date that is 180 days after the date of commencement of the review.

''(2) FAILURE TO COMPLETE REVIEW.—If a review described in paragraph (1) has not been completed for an action subject to section 102(2)(C) by the date specified in paragraph (1)—

''(A) the action shall be considered to have no significant impact described in section 102(2)(C); and

''(B) that classification shall be considered to be a final agency action.

''(3) UNEMPLOYMENT RATE.—If the national unemployment rate is 5 percent or more, the lead agency conducting a review of an action under this section shall use the most expeditious means authorized under this title to conduct the review.

''(b) LEAD AGENCY.—The lead agency for a review of an action under this section shall be the Federal agency to which funds are made available for the action.

''(c) REVIEW.—

''(1) ADMINISTRATIVE APPEALS.—There shall be a single administrative appeal for each review carried out pursuant to section 102(2)(C).

''(2) JUDICIAL REVIEW.—

''(A) IN GENERAL.—On resolution of the administrative appeal, judicial review of the final agency decision after exhaustion of administrative remedies shall lie with the United States Court of Appeals for the District of Columbia Circuit.

''(B) ADMINISTRATIVE RECORD.—An appeal to the court described in subparagraph (A) shall be based only on the administrative record.

''(C) PENDENCY OF JUDICIAL REVIEW.—After an agency has made a final decision with respect to a review carried out under this subsection, the decision shall be effective during the course of any subsequent appeal to a court described in subparagraph (A).

''(3) CIVIL ACTION.—Each civil action covered by this section shall be considered to arise under the laws of the United States.''.

SA 1560. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. HIGH-SPEED RAIL EQUIPMENT.

The Secretary of Transportation shall not preclude the use of Federal funds made available to purchase rolling stock to purchase any equipment used for ''high-speed rail'' (as defined in section 26106(b)(4) of title 49, United States Code).

SA 1561. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXTENSION OF TEMPORARY OFFICE OF BANKRUPTCY JUDGES IN CERTAIN JUDICIAL DISTRICTS.

(a) TEMPORARY OFFICE OF BANKRUPTCY JUDGES AUTHORIZED BY PUBLIC LAW 109–8.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized for the following districts by section 1223(b) of Public Law 109–8 (28 U.S.C. 152 note) are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs:

(A) The central district of California.
(B) The eastern district of California.
(C) The district of Delaware.
(D) The southern district of Florida.
(E) The southern district of Georgia.
(F) The district of Maryland.
(G) The eastern district of Michigan.
(H) The district of New Jersey.
(I) The northern district of New York.
(J) The southern district of New York.
(K) The eastern district of North Carolina.
(L) The eastern district of Pennsylvania.
(M) The middle district of Pennsylvania.
(N) The district of Puerto Rico.
(O) The district of South Carolina.
(P) The western district of Tennessee.
(Q) The eastern district of Virginia.
(R) The district of Nevada.

(2) VACANCIES.—

(A) SINGLE VACANCIES.—Except as provided in subparagraphs (B), (C), (D), and (E), the 1st vacancy in the office of a bankruptcy judge for each district specified in paragraph (1)—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(B) CENTRAL DISTRICT OF CALIFORNIA.—The 1st, 2d, and 3d vacancies in the office of bankruptcy judge for the central district of California—

(i) occurring 5 years or more after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(C) DISTRICT OF DELAWARE.—The 1st, 2d, 3d, and 4th vacancies in the office of a bankruptcy judge for the district of Delaware—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(D) SOUTHERN DISTRICT OF FLORIDA.—The 1st and 2d vacancies in the office of a bankruptcy judge for the southern district of Florida—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(E) DISTRICT OF MARYLAND.—The 1st, 2d, and 3d vacancies in the office of a bankruptcy judge for the district of Maryland—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 1223(b) of Public Law 109–8 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(b) TEMPORARY OFFICE OF BANKRUPTCY JUDGES EXTENDED BY PUBLIC LAW 109–8.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized by section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and extended by section 1223(c) of Public Law 109–8 (28 U.S.C. 152 note) for the district of Delaware, the district of Puerto Rico, and the eastern district of Tennessee are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs.

(2) VACANCIES.—

(A) DISTRICT OF DELAWARE.—The 5th vacancy in the office of a bankruptcy judge for the district of Delaware—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(B) DISTRICT OF PUERTO RICO.—The 2d vacancy in the office of a bankruptcy judge for the district of Puerto Rico—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(C) EASTERN DISTRICT OF TENNESSEE.—The 1st vacancy in the office of a bankruptcy judge for the eastern district of Tennessee—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and section 1223(c) of Public Law 109–8 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(c) TEMPORARY OFFICE OF THE BANKRUPTCY JUDGE AUTHORIZED BY PUBLIC LAW 102–361 FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.—

(1) EXTENSION.—The temporary office of the bankruptcy judge authorized by section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) for the middle district of North Carolina is extended until the vacancy specified in paragraph (2) occurs.

(2) VACANCY.—The 1st vacancy in the office of a bankruptcy judge for the middle district of North Carolina—

(A) occurring more than 5 years after the date of the enactment of this Act, and

(B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152

note) remain applicable to the temporary office of the bankruptcy judge referred to in paragraph (1).

(d) TEMPORARY JUDGESHIP PAYGO OFFSET.—

(1) BANKRUPTCY FILING FEES.—Section 1930(a)(3) of title 28, United States Code, is amended by striking ''$1,000'' and inserting ''$1,042''.

(2) EXPENDITURE LIMITATION.—Incremental amounts collected by reason of the enactment of paragraph (1) shall be deposited in a special fund in the United States Treasury, to be established after the date of enactment of this Act. Such amounts shall be available for the purposes specified in section 1931(a) of title 28, United States Code, but only to the extent specifically appropriated by an Act of Congress enacted after the date of enactment of this Act.

(3) EFFECTIVE DATE.—This subsection shall take effect 180 days after the date of enactment of this Act.

SA 1562. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—FIRE GRANTS REAUTHORIZATION

SEC. ____1. SHORT TITLE.

This title may be cited as the ''Fire Grants Reauthorization Act of 2012''.

SEC. ____2. AMENDMENTS TO DEFINITIONS.

(a) IN GENERAL.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by inserting '', except as otherwise provided,'' after ''means'';

(2) in paragraph (4), by striking '' 'Director' means'' and all that follows through ''Agency;'' and inserting '' 'Administrator of FEMA' means the Administrator of the Federal Emergency Management Agency;'';

(3) in paragraph (5)—

(A) by inserting ''Indian tribe,'' after ''county,''; and

(B) by striking ''and 'firecontrol' '' and inserting ''and 'fire control' '';

(4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(5) by inserting after paragraph (5), the following:

''(6) 'Indian tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and 'tribal' means of or pertaining to an Indian tribe;'';

(6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);

(7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:

''(9) 'Secretary' means, except as otherwise provided, the Secretary of Homeland Security;''; and

(8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

''(10) 'State' has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).''.

(b) CONFORMING AMENDMENTS.—

(1) ADMINISTRATOR OF FEMA.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by striking ''Director'' each place it appears and inserting ''Administrator of FEMA''.

(2) ADMINISTRATOR OF FEMA'S AWARD.—Section 15 of such Act (15 U.S.C. 2214) is amended by striking ''Director's Award'' each place it appears and inserting ''Administrator's Award''.

SEC. ____3. ASSISTANCE TO FIREFIGHTER GRANTS.

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

''SEC. 33. FIREFIGHTER ASSISTANCE.

''(a) DEFINITIONS.—In this section:

''(1) AVAILABLE GRANT FUNDS.—The term 'available grant funds', with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations in subsection (p)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (p)(2) in such fiscal year.

''(2) CAREER FIRE DEPARTMENT.—The term 'career fire department' means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

''(3) COMBINATION FIRE DEPARTMENT.—The term 'combination fire department' means a fire department that has—

''(A) paid firefighting personnel; and

''(B) volunteer firefighting personnel.

''(4) FIREFIGHTING PERSONNEL.—The term 'firefighting personnel' means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

''(5) NONAFFILIATED EMS ORGANIZATION.—The term 'nonaffiliated EMS organization' means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

''(6) PAID-ON-CALL.—The term 'paid-on-call' with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

''(7) VOLUNTEER FIRE DEPARTMENT.—The term 'volunteer fire department' means a fire department that has an all-volunteer force of firefighting personnel.

''(b) ASSISTANCE PROGRAM.—

''(1) AUTHORITY.—In accordance with this section, the Administrator of FEMA may, in consultation with the Administrator of the United States Fire Administration, award—

''(A) assistance to firefighters grants under subsection (c); and

''(B) fire prevention and safety grants and other assistance under subsection (d).

''(2) ADMINISTRATIVE ASSISTANCE.—The Administrator of FEMA shall—

''(A) establish specific criteria for the selection of grant recipients under this section; and

''(B) provide assistance with application preparation to applicants for such grants.

''(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

''(1) IN GENERAL.—The Administrator of FEMA may, in consultation with the chief executives of the States in which the recipients are located, award grants on a competitive basis directly to—

''(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;

''(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and

''(C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).

''(2) MAXIMUM GRANT AMOUNTS.—

''(A) POPULATION.—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

''(i) In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of the grant awarded to such recipient shall not exceed $1,000,000 in any fiscal year.

''(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed $2,000,000 in any fiscal year.

''(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed $3,000,000 in any fiscal year.

''(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed $6,000,000 for any fiscal year.

''(v) In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed $9,000,000 in any fiscal year.

''(B) STATE FIRE TRAINING ACADEMIES.—The Administrator of FEMA may not award a grant under this subsection to a State fire training academy in an amount that exceeds $1,000,000 in any fiscal year.

''(C) AGGREGATE.—

''(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) and except as provided under clause (ii), the Administrator of FEMA may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.

''(ii) EXCEPTION.—The Administrator of FEMA may waive the limitation in clause (i) with respect to a grant recipient if the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).

''(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

''(A) To train firefighting personnel in—

''(i) firefighting;

''(ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);

''(iii) arson prevention and detection;

''(iv) maritime firefighting; or

''(v) the handling of hazardous materials.

''(B) To train firefighting personnel to provide any of the training described under subparagraph (A).

''(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

''(D) To certify—

''(i) fire inspectors; and

''(ii) building inspectors—

''(I) whose responsibilities include fire safety inspections; and

''(II) who are employed by or serving as volunteers with a fire department.

''(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters.

''(F) To fund emergency medical services provided by fire departments and nonaffiliated EMS organizations.

''(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.

''(H) To acquire additional firefighting equipment, including equipment for—

''(i) fighting fires with foam in remote areas without access to water; and

''(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

''(I) To acquire personal protective equipment, including personal protective equipment—

''(i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or

''(ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.

''(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

''(K) To educate the public about arson prevention and detection.

''(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

''(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

''(d) FIRE PREVENTION AND SAFETY GRANTS.—

''(1) IN GENERAL.—For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—

''(A) award grants to fire departments;

''(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or nonprofit organizations that are not fire departments and that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—

''(i) fire prevention programs; and

''(ii) research to improve firefighter health and life safety; and

''(C) award grants to, or enter into contracts with, regionally accredited institutions of higher education and national fire service organizations or national fire safety organizations to support joint programs focused on reducing firefighter fatalities and non-fatal injuries, including programs for establishing fire safety research centers as the Administrator of FEMA determines appropriate.

''(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this subsection may not exceed $1,500,000 for a fiscal year.

''(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

''(A) To enforce fire codes and promote compliance with fire safety standards.

''(B) To fund fire prevention programs.

''(C) To fund wildland fire prevention programs, including education, awareness, and mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.

''(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of—

''(i) a fire safety research center; or

''(ii) a program at such a center.

''(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

''(e) APPLICATIONS FOR GRANTS.—

''(1) IN GENERAL.—An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and in such manner as the Administrator of FEMA determines appropriate.

''(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:

''(A) A description of the financial need of the applicant for the grant.

''(B) An analysis of the costs and benefits, with respect to public safety, of the use for which a grant is requested.

''(C) An agreement to provide information to the national fire incident reporting system for the period covered by the grant.

''(D) A list of other sources of funding received by the applicant—

''(i) for the same purpose for which the application for a grant under this section was submitted; or

''(ii) from the Federal Government for other fire-related purposes.

''(E) Such other information as the Administrator of FEMA determines appropriate.

''(3) JOINT OR REGIONAL APPLICATIONS.—

''(A) IN GENERAL.—Two or more entities may submit an application under paragraph (1) for a grant under this section to fund a joint program or initiative, including acquisition of shared equipment or vehicles.

''(B) NONEXCLUSIVITY.—Applications under this paragraph may be submitted instead of or in addition to any other application submitted under paragraph (1).

''(C) GUIDANCE.—The Administrator of FEMA shall—

''(i) publish guidance on applying for and administering grants awarded for joint programs and initiatives described in subparagraph (A); and

''(ii) encourage applicants to apply for grants for joint programs and initiatives described in subparagraph (A) as the Administrator of FEMA determines appropriate to achieve greater cost effectiveness and regional efficiency.

''(f) PEER REVIEW OF GRANT APPLICATIONS.—

''(1) IN GENERAL.—The Administrator of FEMA shall, after consultation with national fire service and emergency medical services organizations, appoint fire service personnel and personnel from nonaffiliated EMS organizations to conduct peer reviews of applications received under subsection (e)(1).

''(2) ASSIGNMENT OF REVIEWS.—In administering the peer review process under paragraph (1), the Administrator of FEMA shall ensure that—

''(A) applications submitted by career fire departments are reviewed primarily by personnel from career fire departments;

''(B) applications submitted by volunteer fire departments are reviewed primarily by personnel from volunteer fire departments;

''(C) applications submitted by combination fire departments and fire departments using paid-on-call firefighting personnel are reviewed primarily by personnel from such fire departments; and

''(D) applications for grants to fund emergency medical services pursuant to subsection (c)(3)(F) are reviewed primarily by emergency medical services personnel, including—

''(i) emergency medical service personnel affiliated with fire departments; and

''(ii) personnel from nonaffiliated EMS organizations.

''(3) REVIEW OF APPLICATIONS FOR FIRE PREVENTION AND SAFETY GRANTS SUBMITTED BY NONPROFIT ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.—In conducting a review of an application submitted under subsection (e)(1) by a nonprofit organization described in subsection (d)(1)(B), a peer reviewer may not recommend the applicant for a grant under subsection (d) unless such applicant is recognized for its experience and expertise with respect to—

''(A) fire prevention or safety programs and activities; or

''(B) firefighter research and development programs.

''(4) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

''(g) PRIORITIZATION AND ALLOCATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall—

''(1) consider the findings and recommendations of the peer reviews carried out under subsection (f);

''(2) consider the degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards;

''(3) consider the extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole;

''(4) consider the number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant; and

''(5) ensure that of the available grant funds—

''(A) not less than 25 percent are awarded to career fire departments;

''(B) not less than 25 percent are awarded to volunteer fire departments; and

''(C) not less than 25 percent are awarded to combination fire departments and fire departments using paid-on-call firefighting personnel.

''(h) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

''(1) FUNDING FOR EMERGENCY MEDICAL SERVICES.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).

''(2) GRANT AWARDS TO NONAFFILIATED EMS ORGANIZATIONS.—Not more than 2 percent of the available grant funds for a fiscal year shall be awarded under this section to nonaffiliated EMS organizations.

''(3) FUNDING FOR FIRE PREVENTION AND SAFETY GRANTS.—For each fiscal year, not less than 10 percent of the aggregate of grant amounts under this section in that fiscal year shall be awarded under subsection (d).

''(4) STATE FIRE TRAINING ACADEMIES.—Not more than 3 percent of the available grant funds for a fiscal year shall be awarded under subsection (c)(1)(C).

''(5) AMOUNTS FOR PURCHASING FIREFIGHTING VEHICLES.—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).

''(i) FURTHER CONSIDERATIONS.—

''(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO FIRE DEPARTMENTS.—In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property.

''(2) APPLICATIONS FROM NONAFFILIATED EMS ORGANIZATIONS.—In the case of an application submitted under subsection (e)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

''(3) AWARDING FIRE PREVENTION AND SAFETY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.—In the case of applicants for grants under this section who

are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

''(A) prevention of injuries to high risk groups from fire; and

''(B) research programs that demonstrate a potential to improve firefighter safety.

''(4) AVOIDING DUPLICATION.—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

''(j) MATCHING AND MAINTENANCE OF EXPENDITURE REQUIREMENTS.—

''(1) MATCHING REQUIREMENT FOR ASSISTANCE TO FIREFIGHTERS GRANTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

''(B) EXCEPTION FOR ENTITIES SERVING SMALL COMMUNITIES.—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

''(i) more than 20,000 residents but not more than 50,000 residents, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant award to such applicant under such subsection; or

''(ii) 20,000 residents or fewer, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

''(2) MATCHING REQUIREMENT FOR FIRE PREVENTION AND SAFETY GRANTS.—

''(A) IN GENERAL.—An applicant seeking a grant to carry out an activity under subsection (d) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

''(B) MEANS OF MATCHING.—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or the provision of staff, facilities, services, material, or equipment.

''(3) MAINTENANCE OF EXPENDITURES.—An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant's aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

''(4) WAIVER.—

''(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

''(B) GUIDELINES.—

''(i) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

''(ii) CONSIDERATIONS.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

''(I) Changes in rates of unemployment from previous years.

''(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

''(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

''(IV) Such other factors as the Administrator of FEMA considers appropriate.

''(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

''(i) is described in subsection (d)(1)(B); and

''(ii) is not a fire department or emergency medical services organization.

''(k) GRANT GUIDELINES.—

''(1) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

''(A) guidelines that describe—

''(i) the process for applying for grants under this section; and

''(ii) the criteria that will be used for selecting grant recipients; and

''(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

''(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

''(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and qualified members of emergency medical service organizations to obtain recommendations regarding the following:

''(i) Criteria for the awarding of grants under this section.

''(ii) Administrative changes to the assistance program established under subsection (b).

''(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—

''(i) is recognized for expertise in firefighting or emergency medical services;

''(ii) is not an employee of the Federal Government; and

''(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

''(I) providers of emergency medical services that are affiliated with fire departments; or

''(II) nonaffiliated EMS providers.

''(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

''(l) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

''(m) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

''(n) TRAINING STANDARDS.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

''(o) ENSURING EFFECTIVE USE OF GRANTS.—

''(1) AUDITS.—The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

''(A) the grant amounts are expended for the intended purposes; and

''(B) the grant recipient complies with the requirements of subsection (j).

''(2) PERFORMANCE ASSESSMENT.—

''(A) IN GENERAL.—The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

''(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

''(3) ANNUAL REPORTS TO ADMINISTRATOR OF FEMA.—The recipient of a grant awarded under this section shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

''(4) ANNUAL REPORTS TO CONGRESS.—

''(A) IN GENERAL.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report that provides—

''(i) information on the performance assessment system developed under paragraph (2); and

''(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

''(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

''(p) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

''(A) $750,000,000 for fiscal year 2013; and

''(B) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

''(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

''(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

''(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

''(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as such term is defined in paragraph 5(a) of rule XLIV of the Standing Rules of the Senate).

''(q) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on October 1, 2022.''.

SEC. _____4. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.

(a) IMPROVEMENTS TO HIRING GRANTS.—

(1) TERM OF GRANTS.—Subparagraph (B) of subsection (a)(1) of section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a) is amended to read as follows:

''(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.''.

(2) LIMITATION ON PORTION OF COSTS OF HIRING FIREFIGHTERS.—Subparagraph (E) of subsection (a)(1) of such section 34 is amended to read as follows:

''(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

''(i) 75 percent in the first year of the grant;

''(ii) 75 percent in the second year of the grant; and

''(iii) 30 percent in the third year of the grant.''.

(b) CLARIFICATION REGARDING ELIGIBLE ENTITIES FOR RECRUITMENT AND RETENTION GRANTS.—The second sentence of subsection (a)(2) of such section 34 is amended by striking ''organizations on a local or statewide basis'' and inserting ''national, State, local, or tribal organizations''.

(c) MAXIMUM AMOUNT FOR HIRING FIREFIGHTERS.—Paragraph (4) of subsection (c) of such section 34 is amended to read as follows:

''(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

''(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

''(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

''(C) in the third year of the grant, 30 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.''.

(d) WAIVERS.—Such section 34 is further amended—

(1) by redesignating subsections (d) through (i) as subsection (e) through (j), respectively; and

(2) by inserting after subsection (c) the following:

''(d) WAIVERS.—

''(1) IN GENERAL.—In a case of demonstrated economic hardship, the Administrator of FEMA may—

''(A) waive the requirements of subsection (a)(1)(B)(ii) or subsection (c)(1); or

''(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

''(2) GUIDELINES.—

''(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).

''(B) CONSIDERATIONS.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

''(i) Changes in rates of unemployment from previous years.

''(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

''(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

''(iv) Such other factors as the Administrator of FEMA considers appropriate.''.

(e) IMPROVEMENTS TO PERFORMANCE EVALUATION REQUIREMENTS.—Subsection (e) of such section 34, as redesignated by subsection (d)(1) of this section, is amended by inserting before the first sentence the following:

''(1) IN GENERAL.—The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section.

''(2) SUBMISSION OF INFORMATION.—''.

(f) REPORT.—

(1) IN GENERAL.—Subsection (f) of such section 34, as redesignated by subsection (d)(1) of this section, is amended by striking ''The authority'' and all that follows through ''Congress concerning'' and inserting the following: ''Not later than September 30, 2016, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on''.

(2) CONFORMING AMENDMENT.—The heading for such subsection (f) is amended by striking ''SUNSET AND REPORTS'' and inserting ''REPORT''.

(g) ADDITIONAL DEFINITIONS.—

(1) IN GENERAL.—Subsection (i) of such section 34, as redesignated by subsection (d)(1) of this section, is amended—

(A) in the matter before paragraph (1), by striking ''In this section, the term—'' and inserting ''In this section:'';

(B) in paragraph (1)—

(i) by inserting ''The term'' before ''firefighter' has''; and

(ii) by striking ''; and'' and inserting a period;

(C) by striking paragraph (2); and

(D) by inserting at the end the following:

''(2) The terms 'career fire department', 'combination fire department', and 'volunteer fire department' have the meaning given such terms in section 33(a).''.

(2) CONFORMING AMENDMENT.—Subsection (a)(1)(A) of such section 34 is amended by striking ''career, volunteer, and combination fire departments'' and inserting ''career fire departments, combination fire departments, and volunteer fire departments''.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subsection (j) of such section 34, as redesignated by subsection (d)(1) of this section, is amended—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(8) $750,000,000 for fiscal year 2013; and

''(9) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

''(A) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

''(B) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).''.

(2) ADMINISTRATIVE EXPENSES.—Such subsection (j) is further amended—

(A) in paragraph (9), as added by paragraph (1) of this subsection, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the left margin of such clauses, as so redesignated, 2 ems to the right;

(B) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively, and moving the left margin of such subparagraphs, as so redesignated, 2 ems to the right;

(C) by striking ''There are'' and inserting the following:

''(1) IN GENERAL.—There are''; and

(D) by adding at the end the following:

''(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section.''.

(3) CONGRESSIONALLY DIRECTED SPENDING.—Such subsection (j) is further amended by adding at the end the following:

''(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally direct spending item (as defined in paragraph 5(a) of Rule XLIV of the Standing Rules of the Senate).''.

(i) TECHNICAL AMENDMENT.—Such section 34 is amended—

(1) in subsection (a), in paragraphs (1)(A) and (2), by striking ''Administrator shall'' and inserting ''Administrator of FEMA shall, in consultation with the Administrator,''; and

(2) by striking ''Administrator'' each place it appears, other than in subsection (a)(1)(A) and (a)(2), and inserting ''Administrator of FEMA''.

(j) CLERICAL AMENDMENT.—Section 34 of such Act (15 U.S.C. 2229a) is amended by striking ''expansion of pre-september 11, 2001, fire grant program'' and inserting the following: ''staffing for adequate fire and emergency response''.

(k) SUNSET OF AUTHORITY TO AWARD HIRING GRANTS.—Section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a) is further amended by adding at the end the following:

''(k) SUNSET OF AUTHORITIES.—The authority to award grants and provide technical assistance under this section shall expire October 1, 2022.''.

SEC. _____5. REPORT ON EFFECT OF AMENDMENTS.

Not later than September 30, 2016, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on the effect of the amendments made by this subtitle. Such report shall include the following:

(1) An assessment of the effect of the amendments made by sections _____3 and _____4 on the effectiveness, relative allocation, accountability, and administration of the grants awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) after the date of the enactment of this Act.

(2) An evaluation of the extent to which the amendments made by sections _____3 and _____4 have enabled recipients of grants awarded under such sections 33 and 34 after the date of the enactment of this Act to mitigate fire and fire-related and other hazards more effectively.

SEC. _____6. REPORT ON DUPLICATION OF GRANT PROGRAMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to Congress a report on the grant programs administered by the Administrator of the Federal Emergency Management Agency.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) Whether and to what degree the grant programs described in subsection (a) provide duplicative or overlapping assistance.

(2) The cost of each grant program described in subsection (a).

(3) The recommendations of the Inspector General for consolidation and elimination of grant programs described in subsection (a) to reduce duplication of assistance.

SA 1563. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXTENSION OF PAY LIMITATION.

(a) IN GENERAL.—Section 147 of the Continuing Appropriations Act, 2011 (Public Law 111–242; 5 U.S.C. 5303 note), as added by section 1(a) of the Continuing Appropriations and Surface Transportation Extensions Act, 2011 (Public Law 111–322; 124 Stat. 3518), is amended—

(1) in subsection (b)(1), by striking ''December 31, 2012'' and inserting ''December 31, 2013''; and

(2) in subsection (c), by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

(b) APPLICATION TO LEGISLATIVE BRANCH.—

(1) MEMBERS OF CONGRESS.—The extension of the pay limit for Federal employees through December 31, 2013, as established pursuant to the amendments made by subsection (a), shall apply to Members of Congress in accordance with section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31).

(2) OTHER LEGISLATIVE BRANCH EMPLOYEES.—

(A) LIMIT IN PAY.—Notwithstanding any other provision of law, no cost of living adjustment required by statute with respect to a legislative branch employee which (but for this subparagraph) would otherwise take effect during the period beginning on the date of enactment of this Act and ending on December 31, 2013, shall be made.

(B) DEFINITION.—In this paragraph, the term ''legislative branch employee'' means—

(i) an employee of the Federal Government whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives; and

(ii) an employee of any office of the legislative branch who is not described in clause (i).

SA 1564. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—NO BUDGET, NO PAY

SECTION __01. SHORT TITLE.

This title may be cited as the ''No Budget, No Pay Act''.

SEC. __02. DEFINITION.

In this title, the term ''Member of Congress''—

(1) has the meaning given under section 2106 of title 5, United States Code; and

(2) does not include the Vice President.

SEC. __03. TIMELY APPROVAL OF CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.

If both Houses of Congress have not approved a concurrent resolution on the budget as described under section 301 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 632) for a fiscal year before October 1 of that fiscal year and have not passed all the regular appropriations bills for the next fiscal year before October 1 of that fiscal year, the pay of each Member of Congress may not be paid for each day following that October 1 until the date on which both Houses of Congress approve a concurrent resolution on the budget for that fiscal year and all the regular appropriations bills.

SEC. __04. NO PAY WITHOUT CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds may be appropriated or otherwise be made available from the United States Treasury for the pay of any Member of Congress during any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under section __05.

(b) NO RETROACTIVE PAY.—A Member of Congress may not receive pay for any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under section 205, at any time after the end of that period.

SEC. __05. DETERMINATIONS.

(a) SENATE.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Secretary of the Senate shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate for certification of determinations made under subparagraphs (A) and (B) of paragraph (2).

(2) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section __03 and whether Senators may not be paid under that section;

(B) determine the period of days following each October 1 that Senators may not be paid under section __03; and

(C) provide timely certification of the determinations under subparagraphs (A) and (B) upon the request of the Secretary of the Senate.

(b) HOUSE OF REPRESENTATIVES.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Chief Administrative Officer of the House of Representatives shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives for certification of determinations made under subparagraphs (A) and (B) of paragraph (2).

(2) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section __03 and whether Member of the House of Representatives may not be paid under that section;

(B) determine the period of days following each October 1 that Member of the House of Representatives may not be paid under section __03; and

(C) provide timely certification of the determinations under subparagraph (A) and (B) upon the request of the Chief Administrative Officer of the House of Representatives.

SEC. __06. EFFECTIVE DATE.

This title shall take effect on February 1, 2013.

SA 1565. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, strike line 13 and insert the following:

''a Federal-aid system under this chapter.

''(m) CODIFICATION OF OZONE DIRECTIVE.—Notwithstanding any other provision of law or court order to the contrary, the Administrator of the Environmental Protection Agency shall not engage in rulemaking proceedings under the Clean Air Act (42 U.S.C. 7401 et seq.) relating to national ambient air quality standards for ozone, or reconsideration of those standards, until March 27, 2013.''.

SA 1566. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXTENSION OF PUBLIC TRANSIT VEHICLE EXEMPTION FROM AXLE WEIGHT RESTRICTIONS.

Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note), as added by section 341 of Public Law 102–388, is amended—

(1) by striking ''The second sentence of section 127 of title 23'' and inserting ''Section 127(a)(2) of title 23'';

(2) by striking '', for the period beginning on October 6, 1992, and ending on October 1, 2009,'';

(3) in subparagraph (A), by striking ''or'' at the end;

(4) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(5) by adding at the end the following:

''(C) any motor home (as defined in section 571.3(c) of title 49, Code of Federal Regulations).''.

SA 1567. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

SEC. _____. EFFECT OF NEPA ON CERTAIN FEDERAL AGENCIES.

(a) IN GENERAL.—The Comptroller General of the United States shall assess and produce a report on how the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) affects—

(1) the Department of Defense;

(2) the Department of Energy;

(3) the Department of the Interior;

(4) the Department of Transportation;

(5) the Environmental Protection Agency;

(6) the Corps of Engineers; and

(7) the Forest Service.

(b) CONTENTS.—For each Federal agency described in subsection (a), the report shall include an assessment of—

(1) the cost of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the quantity of man hours spent on complying with that Act; and

(3) the quantity of litigation the Federal agency engages in as a result of that Act, including the quantity of time and the cost that litigation adds to a project.

SA 1568. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

SEC. 15____. FREEDOM FROM TOLLS.

(a) IN GENERAL.—Section 129 of title 23, United States Code, is amended by adding at the end the following:

''(d) EXCEPTION FOR EXISTING HIGHWAY SEGMENTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), none of the funds made available to carry out this title shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system—

''(A) the construction of which has been completed as of the date of enactment of this subsection;

''(B) that, as of the date of enactment of this subsection, is not tolled;

''(C) that was constructed with Federal assistance provided under this title; and

''(D) that is in actual operation as of the date of enactment of this subsection.

''(2) EXCEPTIONS.—

''(A) NUMBER OF TOLL LANES.—Paragraph (1) shall not apply to any segment of highway on the Federal-aid system described in that paragraph that, as of the date on which a toll is imposed on the segment, will have the same number of nontoll lanes as were in existence prior to that date.

''(B) HIGH-OCCUPANCY VEHICLE LANES.—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this subsection, and shall not be considered to be a nontoll lane for purposes of determining whether a highway will have fewer nontoll lanes than prior to the date of imposition of the toll, if—

''(i) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

''(ii) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.''.

(b) INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM.—Section 1216(b)(2) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 212) is amended by striking ''3 facilities'' and inserting ''2 facilities''.

PROVIDING THE QUILEUTE INDIAN TRIBE TSUNAMI AND FLOOD PROTECTION

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1162, which is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 1162) to provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes.

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

Ms. CANTWELL. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 1162) was ordered to a third reading, was read the third time, and passed.

Ms. CANTWELL. Mr. President, for decades the Quileute Tribe in the Pacific Northwest has waited for a chance to move out of the tsunami zone they are in and to safety.

Every day 80 students go to a school in a schoolhouse that is just 1 foot above sea level, and every day they look directly out the window at the roaring waves of the powerful ocean and wonder when they can move to safer, higher ground.

When the tragic tsunami hit Japan last March and when a recent earthquake in just the last few weeks hit off Vancouver Island, it sent another urgent message, a wake-up call to hurry to get this legislation passed through Congress. The Department of the Interior, which endorsed this legislation, said the tsunami ''clearly demonstrates the risk for the tribe and its citizens, and the need to move housing and infrastructure inland.''

Now, with the 1-year anniversary of this tragedy less than 1 month away, we have finally done our job. With the passage of this bill tonight, the Quileute Tribe can finally begin to move out of the flood zone. I thank Congressman NORM DICKS for his help in making this a reality.

The Quileute Tribe has been struggling with the natural perils of this land since their reservation was created in 1889. The river that runs through the reservation has been moving constantly over the last century, causing more erosion and flooding problems. The one road that connects the lower village to the higher ground is often flooded, making it even more challenging to deal with this particular area in case of a tsunami.

The Quileute struggle to move out of the flood zone has gone on for many years, but tonight, with the passage of this legislation, the Quileute Tribe can now move to higher grounds and a safer means to provide for their members. This is an important victory to give the Quileute Tribe and those on the reservation peace of mind.

I thank Senator BARRASSO and Senator AKAKA for helping this legislation move out of the Indian Affairs Committee and Senator BINGAMAN and Senator MURKOWSKI for helping it move out of the ENR Committee. To the tribal chairs—Bonita Cleveland and now Tony Foster—thank you for coming to Washington, DC, and explaining how important this legislation is. I also thank the National Park Service and the National Park Service Director. Thank you for your help in getting this legislation passed. I also thank Senator MURRAY for her cosponsorship of this important legislation.

It is important in times such as these that Congress does act, that we break gridlock and move forward. For the Quileute Tribe—a tribe that gained much national notoriety in a recent movie series—what is really important is not that notoriety but the fact that today people have come together to help them move to safer grounds.

ORDERS FOR TUESDAY, FEBRUARY 14, 2012

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate adjourn until 10 a.m. on Tuesday, February 14, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate proceed to executive session and resume consideration of the Jordan nomination postcloture; further, that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus meetings; and finally, that all time during adjournment, morning business, and recess count postcloture.

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

PROGRAM

Ms. CANTWELL. Mr. President, for the information of Members, tomorrow we expect to confirm the Jordan nomination and also resume consideration of the infrastructure bill. Senators will be notified when any votes are scheduled.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

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

There being no objection, the Senate, at 7:15 p.m., adjourned until Tuesday, February 14, 2012, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

KATHARINA G. MCFARLAND, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE. (NEW POSITION)

FEDERAL MARITIME COMMISSION

RICHARD A. LIDINSKY, JR., OF MARYLAND, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2017. (REAPPOINTMENT)

WILLIAM P. DOYLE, OF PENNSYLVANIA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2013, VICE JOSEPH E. BRENNAN, TERM EXPIRED.

DEPARTMENT OF STATE

KENNETH MERTEN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CROATIA.

NATIONAL LABOR RELATIONS BOARD

SHARON BLOCK, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014, VICE CRAIG BECKER, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

TERENCE FRANCIS FLYNN, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2015, VICE PETER SCHAUMBER, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

RICHARD F. GRIFFIN, JR., OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2016, VICE WILMA B. LIEBMAN, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

ROBERT E. DRAPCHO, OF PENNSYLVANIA
ELLEN M. ZEHR, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

PATRICK K. DISKIN, OF FLORIDA
ELISE M. JENSEN, OF WEST VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

STEPHANIE M. ACOSTA-MIKULASEK, OF CALIFORNIA
MARIA ELENA BARRON, OF TEXAS
KIMBERLEE ANN BELL, OF MINNESOTA
ALISA MAUTNER CAMERON, OF MARYLAND
ROBERT WILLIAM CLARK, OF NEW JERSEY
KURT ALEXANDER GAINER, OF THE DISTRICT OF COLUMBIA
SUSAN K. KUTOR, OF VIRGINIA
LINDA BURLINGAME MCELROY, OF FLORIDA
GREGORY P. OLSON, OF ILLINOIS
ROBERT P. SCHMIDT, JR., OF TEXAS

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE COMMISSIONED CORPS OF THE U.S. PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

To be surgeon

PETER S. AIREL
LEANNE M. FOX
EDITH R. LEDERMAN
SUZETTE W. PENG
TIFFANY M. SNYDER
DANIEL S. VANDERENDE

To be senior assistant surgeon

ANDREW H. BAKER
ELI T. LOTSU

To be dental officer

CAROL J. WONG

To be senior assistant dental officer

ANN N. TRUONG

To be assistant dental officer

MELISSA L. AYLWORTH

To be assistant nurse officer

BRUTRINIA S. ARELLANO
JASON J. BROWN
PATRICIA K. CARLOCK
KRISTEN M. COLE
JAMES A. DAUGHERTY
ELLEN I. DIEUJUSTE
SYMPHOSIA A. FORBIN
MARCUS S. FOSTER
REBECCA GARCIA
CYNDA G. HALL
DUSTIN K. HAMPTON
ANASTASIA A. HANSEN
TEMIKA N. HARDY-LOVELOCK
CARITA K. HOLMAN
ICK H. KIM
PATRICE M. LEFLORE
STEPHANIE K. MARION
MYRTLE MASSICOTT
RANDA K. MERIZIAN
RANDOSHIA M. MILLER
GUSTAVO N. MIRANDA
NICOLE A. MITCHELL
VERA C. MOSES
NATHAN A. MOYER
DAMIAN P. PARNELL
BRYAN SMITH
JUULA STUTTS
LINDA A. TONDREAU
WAYNE A. WEISSINGER
PAUL A. WONG
KATRIN E. WOOD

To be junior assistant nurse officer

JESSICA M. ALLEN
NICHOLAS R. BAHNER
TREVOR A. BAIRD
JASON E. BAUER
SHANNON D. BRAUNE
KENDALL G. BROWN
STACEY L. BRUINGTON
KASSIDY L. BURCHETT
ANDREW J. COLBURN
AIDA CORONADO-GARCIA
MARLENE CORRALES
JOHN F. EHRHART II
SHARICE N. ELZEY
LINDSAY J. GREGORY
JEREMY V. HYDE
EVERARD A. IRISH
MARTHANIA JEAN-BAPTISTE
BILLYE R. JIMERSON
LYNN C. JOHNSON
JEREMY J. LIESVELD
YVETTE E. MACKLIN
BRYCE A. MAY
MATTHEW A. MEYERS
ALEXANDER N. NJUNGE
JOYCE E. OGBU
OKENZIE N. OKOLI
IGNATIUS E. OTTEH
VANESSA S. PARRISH
LESLIE J. POUDRIER
PILAR M. PRINCE
GINA L. RYAN
JOSUE S. SANCHEZ
CELESTE M. SEGER
CHRISTOPHER D. SNYDER
INI B. UPKE
CANDICE R. WELLS

To be assistant engineer

KENNETH CHEN
PETER LITTLEHAT, JR.
LINDSAY O. QUARRIE

To be junior assistant engineer

RAFAEL GONZALEZ

To be assistant scientist

SHANE T. EYNON
NELSON H. GUADALUPE
MADELINE I. MAYSONET-GONZALEZ
LEAH R. MILLER
SARA A. VILLARREAL

To be assistant environmental health officer

CHRISTOPHER D. DANKMEYER
KAI E. ELGETHUN
MICHELLE E. KENNEY

To be junior assistant environmental health officer

ELIZABETH A. SMITH

To be assistant veterinary officer

YANDACE K. BROWN

To be assistant pharmacist

ADEWALE A. ADELEYE
TODD D. ANGLE
NABEEL BABAA
JONATHAN R. BORESS
MITCHELL W. BOWEN
KEVIN L. CUMMINGS
CHAKA N. CUNNINGHAM
JORDAN C. DAVIS
MELANEE M. DAVIS
LINDSAY E. DAVISON
TYLER C. DREESE
KENDRA N. ELLIS
GUSTAVE A. GABRIELSON
CARLISHA S. GENTLES
ANDREWS A. GENTLES
MONICA M. HADDICAN
SUSAN E. HAGY
SHANE E. HENRY
CINDY C. HONG
LINDSAY R. KRAHMER
BENJAMIN N. LE
GINA L. LUGINBILL
JUSTIN A. MATHEW
REGINA L. MILLER
JOHN P. MISTLER
VANESSA R. MULLER
TRAMI T. NGUYEN
UCHECHUKWU A. NWOBODO
BUM-JUN OH
LONG T. PHAM
FORGE X. PHAM
KELLY H. PHAM
JOSEPH S. SMITH
BRIAN C. TIEU
RUBY TIWARI
ALLEN R. TRAN
JAYSON L. TRIPP
JEFFREY VANG
JASON K. VANKIRK
PHUONG-ANH T. VU
JASON R. WAGNER
CORINNE M. WOODS
PENG ZHOU

To be assistant therapist

RUSSELL J. CASE
WILLIAM A. CHURCH
ANDREW M. HAYES
AMANDA C. MCDONALD
JEFFREY G. MIDDLETON

To be assistant health services officer

CARA ALEXANDER
HENRY J. ALLEN
AYANA R. ANDERSON
MELKA F. ARGAW
SHENENA A. ARMSTRONG
TYSON J. BAIZE
KIMBERLY U. BLACKSHEAR
MONIQUE M. BRANCH
ONIEKA T. CARPENTER
JEFFREY M. COX
EMILY T. CRAREY
JESSICA L. DAMON
TERRI C. DAVIS
GINELLE O. EDMONDSON
ALYSON B. EISENHARDT
JASON W. ENGEL
LAURA M. ERHART
AISHA S. FARIA
JUANA F. FIGUEROA
MIA L. FOLEY
ISRAEL GARCIA
MICHAEL H. HANSEN
PAUL D. HOFFMAN
KEEMIA S. HURST
MARGARET A. KEMP
BRIAN L. LEES
TRAVIS J. MANN
LETICIA M. MANNING
MICHELLE A. MATTHEY
CHRISTOPHER J. MEYER
ETHNY OBAS
DUSTIN J. OXFORD
VICTORIA L. PARSONS
SERAPHINE A. PITT BARNES
PHILLIP K. POPE
KRISTIN M. RACZ
DIYO R. RAI
MARQUITA D. ROBINSON
ALYSON S. ROSE—WOOD
JEFFERY R. SHOWALTER
SARAH E. SWIFT
DEVIN N. THOMAS

To be junior assistant health services officer

KELLY ABRAHAM
MATTHEW R. BEYMER
CHAWNTEL M. CARTEE
JANA L. CAYLOR
LOUIS R. CORBIN
KIMISHA L. GRIFFIN
RICHARD W. KREUTZ
SHAWN M. NICKLE
CARLOYN L. NOYES
RAYMOND A. PUERINI
JEZAIDA RIVERA
YOLANDA L. RYMAL
LETISHA S. SECRET
JEROME R. SIMPSON II
DONNAMARIE A. SPENCER
JASON E. STEVENS
KATIE R. WATSON
TRACEE R. WATTS
SHAMBREKIA N. WISE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be ensign

LUCAS D. JOHNSON
KEVIN G. DOREMUS
MICHAEL N. HIRSCH
JOSHUA D. WITMER
JARED R. HALONEN
DANIEL P. LANGIS
ANDREW R. CLOS
JOHN R. KIDD
ARAS J. ZYGAS
REFAEL W. KLEIN
DAVID B. KEITH
WHITLEY J. GILBERT
KELSEY E. JEFFERS
KASEY M. SIMS
JUNIE H. CASSONE
RICARDO RODRIGUEZ PEREZ
AARON D. COLOHAN
VERONICA J. BRIENO RANKIN
CHELSEA D. FRATE
THERESA A. MADSEN