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Senate

(Legislative day of Tuesday, April 5, 2011)

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

PRAYER

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

Let us pray.

Merciful Father, who put into our hearts such deep desires that we cannot be at peace until we rest in You, remove from our lives anything that would seek to separate us from You.

Lord, lead our lawmakers to make courageous decisions based upon conscience and duty. May they refuse to do anything that threatens the long-term security of this Nation, as they strive to follow the right path as You give them the light to see it. Give them wisdom and courage for the living of these days. Impart Your wisdom so they will know what to do and bestow Your courage so they will possess the resolve to act on what they believe.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 6, 2011.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, last night we were finally able to arrive at an agreement on the small business jobs bill—or at least a way to get rid of some very important amendments that we will vote on around 4 o'clock this afternoon. There will be seven rollcall votes.

This morning, there will be a period of morning business until 11 a.m., with the time until 10:40 a.m. equally divided and controlled between the majority and the Republicans. The majority will control the first half and the Republicans will control the final half. At 10:40 a.m., Senator AYOTTE will give her maiden speech to the Senate.

BUDGET NEGOTIATIONS

Mr. REID. Madam President, as the deadline looms, our budget negotiations continue nonstop. The Speaker and I met with the President yesterday morning, and we met with one another yesterday afternoon. As in any ongoing negotiation, the status of those talks is constantly evolving, but I will give the Senate a snapshot of where we stand at this moment in time.

The bottom line has always been the same, and it is this: We want to avoid a shutdown. We want to pass a budget that makes smart cuts—cuts that save money but that don't cost jobs. This has been our bottom line throughout this process. So we have made some tough choices. We have made those choices because we know at this late stage of the game reality is more important than ideology. We know sacrifices are the cost of consensus, and we think they are worth it. Our bottom line hasn't changed because our objective hasn't changed. We want to keep the country running and keep the momentum of an economic recovery that is creating jobs.

I wish I could say the same about those on the other side of the negotiating table. The Republicans' bottom line has changed at almost every turn. First, Republicans refused to negotiate until we tried it their way. We gave the reckless House-passed proposal a vote. The Senate resoundingly rejected it. Then, once talks began, Republicans staked out their position. They asked for $73 billion in cuts. When we said: Let's meet in the middle, they said no. Then we said: In the interest of getting this done, we will agree to your number, and they still said no. Republicans refused to take yes for an answer. Every time we have agreed to meet in the middle, they have moved where the middle is. They said no when we met them halfway, and now they say: It is our way or the highway.

That is no way to move forward.

People ask: Why is this so difficult? They ask: Can't you just get it done? I understand how they feel, and I share their frustrations, but this is why it is so tough. It is like trying to kick a field goal and the goalposts keep moving.

The Democrats' bottom line has not changed. The Republicans' bottom line hasn't stayed still. Our bottom line hasn't changed because our priorities have not changed. We all want to lower

the deficit. But Democrats will not sacrifice seniors' retirement security, women's health, our children's education, or our Nation's veterans. The cuts we make have to be smart cuts, and those aren't smart. They are radical. We want an agreement that is reasonable and responsible.

I wish I could say the same about those on the other side of the negotiating table. They forget that not one of those people led us into a recession, and punishing seniors, women, children, and veterans will not lead us to a recovery. Their budget would cost 700,000 jobs and slow economic growth. It would take us backward, not forward. That is as counterproductive as it comes. The point of this entire exercise is to help the economy. Democrats won't stand for a budget that weakens it.

Our bottom line—our strongest desire to reach an agreement—hasn't changed because our willingness to compromise hasn't changed. We long ago accepted the reality that getting something done means not getting 100 percent of what we want. We long ago accepted the fact that the only way to reach consensus between a Democratic Senate and a Republican House is to compromise.

I wish I could say the same about those on the other side of the negotiating table. The Republicans have demanded a budget that can pass with only Republican votes. Instead of seeking a bipartisan budget, they are actively seeking the opposite.

The Republican leadership has the tea party screaming so loudly in their right ear that they can't hear what the vast majority of the country demands. The country demands that we get this done. As I have said before, the biggest gap in these negotiations isn't between Democrats and Republicans; it is between Republicans and Republicans. So the Speaker has a choice to make and not much time to make it. He can either do what the tea party wants or what the country needs.

Madam President, I will close with two pieces of advice that we would be wise to heed today, one from American history and one from ancient history.

Henry Clay served in both Houses of Congress, in the House and in the Senate. He actually held the same seat the Republican leader now holds. He was a Senator from Kentucky. He also held the same gavel Speaker BOEHNER now holds at three different times. Henry Clay served as Speaker of the House, I repeat, on three separate occasions. In his esteemed career, he earned the nickname ''The Great Compromiser.'' So Henry Clay knew what he was talking about when he said:

All legislation is founded upon the principle of mutual concession.

This legislation—this budget—is no exception. But it is important to remember that the most important word in that quote isn't ''concession,'' it is ''mutual.''

We all have a responsibility to be reasonable, which brings me to the second piece of advice: To everything there is a season. To paraphrase a passage we all know well, a passage much older than the old statesman Henry Clay, there is a time to campaign and a time to govern. There is a time to be partisans and a time to be partners. We stand here with less than 72 hours on the clock. It is time to get to work. It is time to get the job done. This is the season for action.

Will the Chair now announce morning business, please.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time until 10:40 a.m. 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, with the Senator from New Hampshire, Ms. AYOTTE, recognized at 10:40 a.m.

The Senator from Illinois.

Mr. DURBIN. Madam President, it is my understanding that the Democrats have the first half of morning business.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DURBIN. I ask unanimous consent to be recognized in morning business.

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

INTERCHANGE FEE REFORM

Mr. DURBIN. Madam President, I rise to speak about the issue of Wall Street reform, which I know is near and dear to the Senator from New York, who represents Wall Street.

I do believe what Congress achieved last year on Wall Street reform was wise not only for our Nation but also to avoid the possibility of another recession. There are many financial institutions across the United States, including New York, but the fact is, many of their practices led us into the recession we are now experiencing.

It was quite a battle last year. Senator Chris Dodd of Connecticut, now retired, led the battle on the floor of the Senate to try to make sure we had the necessary oversight and balance when it came to our financial institutions to avoid the likelihood of another recession. The banks fought back, but in the end we prevailed and Senator Dodd passed the measure here in the Senate, and it was passed in the House of Representatives under the leadership of Congressman BARNEY FRANK of Massachusetts and signed by the President. It really gave us a chance to move forward with oversight, regulation and reform on Wall Street.

It was signed last July by the President, but many of the most important elements of the Dodd-Frank bill will not go into effect until July 21 of this year. Several of them are very important to America and important to me as an individual because as a Senator I offered an amendment to this bill. It was a controversial amendment and, for the banks, an expensive amendment. For the Wall Street banks and credit card companies, the interchange fee amendment, which I introduced and passed with 64 votes—17 Republicans and 47 Democrats—was an amendment which will cost the biggest banks and credit card companies in this country a portion of the up to $1.3 billion a month they collect in debit interchange fees. Imagine that. In any given year, $15 billion or $16 billion is being collected by these banks through credit cards from merchants, retailers, and consumers all across America.

From the moment that bill was signed into law, these Wall Street banks and credit card companies have been involved in an all-out, nonstop campaign to repeal the law. Now, they can't just flat-out repeal it because they know that looks a little too obvious. So instead, what they are calling for is postponement—just postpone it for 2 years while they study it. That is their argument. They believe we need to look into this a little more closely. Well, the record suggests they are not after a study. They are after $1.3 billion a month in profit. It turns out it is actually 30 months that the delay would take place, so that is about a $40 billion postponement that the Wall Street banks and credit card companies are asking for. And who pays the $40 billion? Merchants and retailers and customers all across America. That is why leading consumer advocacy groups support my amendment and oppose this $40 billion delay which has been suggested in the amendment that is being offered.

Last year, when we passed landmark legislation to reform the debit card swipe fees that are enriching Wall Street banks and crushing businesses and consumers on Main Street, they started organizing to repeal.

For years, the banking industry has been engaged in a collusive practice. Banks have let the Visa and MasterCard monopoly credit card companies fix the interchange fee rates that banks receive from merchants each time a debit card is swiped. The so-called swipe fee is the fee the banks get, but they don't set the fees, the credit card companies set them. This is unregulated price fixing by the VISA and MasterCard duopoly on behalf of thousands of banks, primarily the biggest banks in America. The same banks we bailed out are now coming back here and saying don't cut into our profits, don't in any way reform or change

the interchange fee that affects merchants, retailers, or consumers.

Incidentally, when the Federal Reserve took a look at the interchange fee that we pay every time we use a debit card, for example, it averages about 40 cents. The actual cost of using the debit card: less than 12 cents. So what they are doing is imposing this fee on every transaction in every place across America. This is unregulated price fixing by VISA and MasterCard. It is a sweetheart deal for the banks, too. According to the Federal Reserve, banks make about $1.3 billion each month, as I mentioned, in debit interchange fees and the fee rates keep going up even though the cost of processing continues to drop.

Last year, Congress decided we should place some reasonable limits on VISA and MasterCard. We did this to ensure that they cannot use their market power and price-fixing ability to funnel excessive fees to the Nation's biggest banks. Congress said if VISA and MasterCard are going to continue fixing interchange rates that merchants pay banks, the rates ought to be reasonable and proportional to the actual cost of processing the transaction. It is a narrowly targeted reform and we made a major exemption of small banks and credit unions. If they had assets of less than $10 billion, they were exempt. You wouldn't know that. They are acting as if this is going to apply to them. I recommend they read the law, which specifically exempts them.

There are two arguments which have been raised recently in opposition to interchange reform. The first is we need more studies. I know banks and credit card companies believe that interchange reform needs to be studied to death but many studies have already been done. There were at least seven congressional hearings specifically on interchange fees before we passed the amendment. I chaired one of them. Another two hearings on interchange fees have been held since the amendment became law. There were also at least three different GAO studies on interchange fees prior to the amendment's passage. It is not as if this matter has not been studied; it has been.

That is not all. Economists and payment systems experts at the Federal Reserve have been studying interchange fees for years. They have put out at least 10 significant reports. Do we need another study?

One of them was the January of 2010 study by Fumiko Hayashi, a senior economist at the Federal Reserve Bank in Kansas City. She did an international comparison of interchange fees in the United States and 12 other countries. Listen to what she found: ''In general, the United States has the highest debit card interchange fees'' and that ''the United States has the highest interchange fees for both credit and debit cards among the 13 countries where adoption and usage of payment cards are well advanced.''

I can see why the banks and credit card companies want to ignore that study. Americans are paying more every time they use plastic than any other of 13 of the largest nations in the world that use credit and debit cards. Do you know what the debit fee is in Canada, from VISA and MasterCard? Zero—40 cents a transaction for the United States of America, God bless them for treating us so kindly; zero for Canada. Why? Because the Canadian Government spoke up for retailers, merchants, and consumers, and said stop this. It is price fixing. Now we have done the same and the Wall Street lobby and the credit card lobby are coming down here hitting hard to repeal this interchange fee reform.

There was another comprehensive study, a 2009 paper put forward by the Federal Reserve's Divisions of Research and Statistics entitled ''Interchange Fees and Payment Card Networks: Economics, Industry Developments, and Policy Issues.'' This study analyzed the structure and economic theory behind the interchange system and discussed various ways of reforming the system.

Then there was a 2008 paper by James McAndrews and Zhu Wang of the Kansas City Fed on the economics of the payment card markets. Their study found, incidentally, that ''privately determined card pricing, adoption and usage tend to deviate from the social optimum, and imposing a ceiling on interchange fees may improve consumer welfare.'' The Kansas City Federal Reserve came up with this finding but the credit card companies ignore it. They want another study. They don't like a study that says interchange fee reform is good for consumers.

The Boston Federal Reserve did a study in 2010 and found on average every year, each cash-using household pays $149 to card-using households.

The studies go on and on. I will put them in the RECORD. I see several of my colleagues on the floor, but I want to make one other point as well. Whenever I talk about Wall Street banks and the credit card companies and the costs associated with debit card fees charged to American consumers and retailers, the first thing I hear is: There he goes again, defending Walmart.

There is no question about it, Walmart is the largest retailer in America. When it comes to the use of credit and debit cards, I am certain they have a larger volume of sales from that than any other. But let's do some comparison here for a moment. According to Forbes.com, in 2010, Walmart, the largest retailer in America, had $17 billion in profits.

I ask unanimous consent for 2 additional minutes.

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

Mr. DURBIN. They had $17 billion in profits and a 4-percent profit margin. That sounds like a lot and it is, but not compared to the big banks. JPMorgan Chase, one of the largest issuers of debit cards, had $17.4 billion in profits last year. That is more than Walmart, incidentally. And their profit margin wasn't 4 percent like Walmart, it was 15 percent.

This is the same Chase that has said any regulation of interchange fees will force them to raise fees on consumers. One of the most profitable banks in America threatens consumers that if they cannot charge the interchange fees they want to charge, they are going to raise fees on consumers. Isn't that great? ''Your money or your life,'' when it comes to Chase. Chase has more profits than Walmart and a 15-percent profit margin.

For the record, let me go back and discuss a few more of the studies that have already been done on interchange fees. For example, Terri Bradford of the Kansas City Fed published a report entitled ''Developments in Interchange Fees in the United States and Abroad.''

This report, which was published in 2008, said the following:

> While regulation of interchange fees is still just a point of discussion in the United States, regulation abroad is a reality. In about 20 countries, public authorities have taken actions that limit the level of interchange fees or merchant discount fees. Many of these actions require interchange fees to be set according to cost-based benchmarks, although the cost categories that are eligible for the benchmarks vary by country. In several countries, interchange fees are set at zero.

Federal Reserve researchers are not the only ones who have studied interchange fees.

In 2006 the Antitrust Law Journal published an article by Alan Frankel and Allan Shampine called ''The Economic Effects of Interchange Fees.''

This article found that the interchange fee ''acts much like a sales tax, but it is privately imposed and collected by banks, not the government. It significantly and arbitrarily raises prices based not on technologically and competitively determined costs, but through a collective process.''

And in March 2010, Albert Foer, president of the American Antitrust Institute, published a study that found the following:

> Governments around the world have been taking actions to eliminate or severely reduce interchange fees based on studies and investigations that clearly establish that these fees are abuses of market power. Moreover, the results demonstrate that interchange fee regulation works. Despite the protests of MasterCard and Visa and their giant card-issuing banks, mandated interchange fee reductions have increased competition in foreign payment card markets and have benefitted consumers through lower prices.

In short, there have been a large number of studies done about interchange fees. And this does not count the enormous amount of research, information collection, and analysis that the Fed has done since my amendment was enacted last July.

The problem from the perspective of Visa, MasterCard and the big banks is that they simply don't like what these

studies have found. So they pretend these studies never happened and call for new ones where they are guaranteed a more industry-friendly outcome. It is obvious that their calls for more study are an effort to delay reform indefinitely. The big banks will do anything to prolong the status quo and to keep collecting $1.3 billion per month in excessive debit swipe fees.

I want to further address another argument that has been raised recently.

Some have argued that we should not follow through with interchange reform because it will only benefit big box retailers. Of course, this is not true. Swipe fees impact retailers of all sizes, from the smallest mom-and-pop stores to the largest retail chains. They also affect universities, charities, government agencies—everyone who accepts plastic as a form of payment. And they affect all consumers, who pay higher prices at retail because of the cost that swipe fees add to every transaction.

But many still like to portray this debate as a struggle between the banks and card companies versus the big box retailers. Well, let's look at those big box retailers and compare them to the big banks and credit card companies. Some of my colleagues may be surprised to learn that the big banks and card companies are significantly more profitable than the big retailers.

According to Forbes.com, in 2010, Wal-Mart, the largest retailer in the country, had $17 billion in profits and a 4 percent profit margin.

Sounds like a lot, right? Well, not compared to the big banks. Last year, according to Forbes.com, JP Morgan Chase, one of the largest issuers of debit cards, had $17.4 billion in profits—more than Wal-Mart. And Chase's profit margin was a robust 15 percent.

This is the same Chase that has said that any regulation of interchange fees will force them to jack up fees on consumers. Chase has more profits than Wal-Mart and a 15 percent profit margin. Why are they pleading poverty and threatening their customers with higher fees?

Well, what about other giant retailers? How are they doing? Target, the well-known retail chain, had profits of $2.9 billion and a 4.3 percent profit margin last year. Let's compare that to Wells Fargo, another giant debit card-issuing bank. Wells Fargo last year had $12.4 billion in profits and a 13.3 percent profit margin.

Large retailers would love to have the profit margins of the big banks. But they don't. Last year the largest drug store chain, CVS Caremark, had profits of $3.4 billion and a 3.6 percent profit margin. The largest grocery store company, Kroger, had profits of $1.1 billion and only a 1.4 percent profit margin.

Historically we have seen low profit margins and intense competition in the retail sector. According to a June 8, 2009, article in Fortune Magazine, Wal-Mart has only an 11 percent market share of the retail market, and Target has only a 2.3 percent market share. This shows that retail is an intensely competitive sector.

Let's compare that level of competition to the debit card industry. This past Monday, an article on CNBC.com reported that the Visa and MasterCard duopoly now control around 90 percent of the debit card market.

It is pretty profitable to be a duopoly. According to Forbes.com, in 2010: Visa had $3.1 billion in profits and a 37 percent profit margin, and MasterCard had $1.8 billion in profits and a 33 percent profit margin.

It must be nice to be a big bank or a credit card company these days. Big banks and their card network allies are making money hand-over-fist these days while retailers of all sizes are struggling to turn a profit. Rising interchange fees are a key part of this equation.

It doesn't have to be this way. If we can constrain Visa's and MasterCard's price-fixing on behalf of the 1 percent of biggest card-issuing banks, we will reduce the cost of interchange for every merchant and other entity that accepts debit cards. Competition in the retail sector will mean consumers will benefit through discounts and lower prices. Given the large profit margins at the nation's biggest banks, they will be able to stay in business once swipe reform is completed.

In fact, we know that banks and card companies can continue to offer debit cards profitably with lower interchange rates.

They did it before—up until the mid-1990s, banks used to offer debit cards with minimal or no interchange in the United States.

And they are doing it right now in other countries around the world, where there are thriving debit card industries with very low or nonexistent interchange rates.

I am going to reserve the remainder of my time and let my colleagues take the floor. I will return on the subject but I remind my colleagues, this amendment, this effort by the Wall Street banks and credit card companies to repeal interchange fee reform, is a $40 billion amendment—$40 billion that will be transferred to the biggest banks in America and credit card companies from consumers across America. We did the right thing with interchange fee reform. Let's stand by it and say to Wall Street, major card issuers, VISA and MasterCard, they have had enough. They can get a reasonable fee, but not an unreasonable amount out of our economy.

RECOGNITION OF THE MINORITY LEADER

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

Mr. MCCONNELL. I will proceed on my leader time.

THE CONTINUING RESOLUTION

Mr. MCCONNELL. Madam President, across the country this morning, Americans are wondering what is going on in Washington this week. They want to know why it is taking so long to fund the government. Americans want to know how we got to this point, and they deserve an answer, so here goes.

Each year, the majority party in Congress is responsible for coming up with a budget plan that explains how they are going to pay for all the things that government does. It is not just a good idea—it is the law. Congress has been required to do it since 1974.

Last year, Democrat leaders in Congress decided they didn't want to do it. They didn't want to have to publicly defend their bloated spending and the debt it is creating. So Republicans have had to come up with temporary spending bills to keep the government running in the absence of any alternatives—and leadership—from Democrats.

Republicans even passed a bill in the House that would keep the government funded through the rest of the current fiscal year, and which takes an important first step toward a smaller, more efficient government that helps improve the conditions for private sector job growth.

This House bill would save us billions of dollars on our way to a conversation about trillions. And Congressman RYAN has done a service this week by setting the terms of that larger debate—by outlining a plan that puts us back on a path to stability and prosperity.

Unfortunately, Democrats have made a calculated decision that they didn't want to have either debate—so they have taken a pass on both.

Frankly, it is hard not to be struck by the contrasting approaches to our Nation's fiscal problems that we have seen in Washington this week. On the one hand, you have a plan by Congressman RYAN that every serious person has described as honest and courageous. On the other hand, you have people like the new chairwoman of the Democratic National Committee and the previous Speaker of the House dismissing that plan in the most cartoonish language imaginable.

While thinking people have seen in the Ryan plan an honest attempt to tackle our problems head on, ideologues on the left have seen a target to distort while offering no vision of their own to prevent a fiscal nightmare that we all know is approaching.

And they still haven't come up with an alternative to the various Republican proposals we have seen to keep the government up and running in the current fiscal year. They have just sat on the sidelines taking potshots at everything Republicans have proposed while rooting for a shutdown.

That is why the Republicans in the House have now proposed another bill this week that will fund the military for the rest of the year, keep the government operating, and which gets us a

little closer to a level of spending that even the senior Senator from New York has called ''reasonable.''

The fact that Democrats are now rejecting this offer, which even members of their own leadership have described as ''reasonable'' is all the evidence you need that Democrats are more concerned about the politics of this debate than keeping the government running.

Let's be clear about something this morning: throughout this entire debate, Republicans have not only said that we would prefer a bipartisan agreement that funds the government and protects defense spending at a time when we have American troops fighting in two wars. There is a Republican plan on the table right now that would do just that.

Democrats can accept that proposal, or they can reject it. But they can't blame anyone but themselves if a shutdown does occur. Because they have done nothing to prevent it.

With the clock ticking, I would once again encourage our Democratic friends to get on board with this proposal, and to support the kind of spending cuts that the American people have asked for—and that their own leadership has already endorsed.

THE EPA AMENDMENT

Mr. MCCONNELL. Madam President, later today, the Senate will vote on an amendment that one leading newspaper described last week as one of the best proposals for growth and job creation to make it onto the Senate docket in years. More specifically, this amendment, which is based on legislation proposed by Senator INHOFE, would prevent unelected bureaucrats at the Environmental Protection Agency from imposing a new national energy tax on American job creators.

Everyone knows that this attempt to handcuff American businesses with new costs and regulations is the last thing these job-creators need right now. That is why even Democrats in Congress have sought to secure the same kind of exemptions from the law for favored industries in their own States that we saw others from their party trying to secure for favored constituencies in the health care law.

Democrats from auto States tried to have the auto industry exempted. And Democrats from farming States tried to have farmers exempted.

What these efforts show, is that Democrats themselves recognize the dangers of these EPA regulations. Yet instead of just voting for the one amendment that solves the problem, they are hiding behind sham amendments designed to give them political cover.

Republicans have a better idea—let's try to make sure everybody is exempted. Let's not pick winners and losers. Let's let America's small businesses and entrepreneurs compete and grow on a level playing field without any more burdensome government regulations, costs, or redtape.

The amendment I have offered on behalf of Senator INHOFE would do that.

The amendment would give businesses the certainty that no unelected bureaucrat at the EPA is going to make their efforts to create jobs even more difficult than the administration already has. So once again, I thank Senator INHOFE for his strong leadership on this issue. He has led the way in protecting American jobs from this burdensome proposal with determination and common sense. He deserves the credit.

I also want to thank Chairman UPTON and my good friend, Congressman WHITFIELD, for fighting against this effort by the EPA and moving legislation to prevent it in the House.

COLOMBIA TRADE AGREEMENT

Mr. MCCONNELL. Madam President, there are some signs today the administration is beginning to take seriously a pending trade agreement with Colombia. Republicans have been urging the administration to act on this critical trade deal for months. This agreement would help American businesses compete on a level playing field with businesses overseas. It would help create American jobs. And it would help our relationship with an important ally in Latin America.

Hopefully these reports are true, and the President will send this agreement, along with similar agreements related to Panama and South Korea to Congress soon. This would be some very good news for an economy that needs it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

THE BUDGET

Ms. MIKULSKI. Madam President, I rise to the floor to speak in morning business and to comment on the terrible situation we find ourselves in. We are in a terrible situation. The Republican leader is exactly right, the clock is ticking on a shutdown.

But I have a couple principles as we head into the midnight witching hour on Friday. First of all, my first principle is no shutdown. Let's have a sitdown. Let's not shut down government and cut off the funding for private sector contractors that do business with the government. Let's have a congressional sitdown and arrive at an orderly, rational agreement that does create a more frugal government but does not torpedo our economy.

But my second principle is, if we shut down the government and Federal employees and contractors do not get paid, Congress should not get paid. Not only should Congress not get paid, no back pay, no way. I spoke about the congressional no-pay position yesterday.

Today, I wish to talk about the consequences of the shutdown. I am against a government shutdown. Shutting down the government breaks faith with Federal employees, jeopardizes our economic recovery, threatens the viability of small- and medium-sized businesses that do business with the Federal Government and even threatens the safety of our families and our economy.

That is why I am for a congressional sitdown, not a shutdown of the Federal Government. Democrats and Republicans should negotiate over spending cuts. But what is not open for negotiation is whether the Federal Government is worth keeping open. Parties must come together.

There is a belief that a shutdown will occur only in Washington. Oh, the lights will go out in the Washington Monument, maybe a museum will be closed here or there, maybe even a national park will be closed here or there. Both on the Senate floor, the House floor, and even in the media, it is followed by kind of a snicker or even a snarl. How foolish, how they do not understand the functioning of the Government of the United States of America.

I am afraid the lights will go out. I am afraid the government agencies will be shuttered. I am concerned that people who work on behalf of the Federal Government as those contractors, small- and medium-sized contractors, disabled veteran contractors will not get paid.

I am for cuts. I voted for the Democratic package with over $51 billion in cuts. In my own appropriations bill, I reduced agency overhead by 10 percent. I cut out lavish conferences and so on by 25 percent. I could eliminate that year by year. But cuts alone are not a strategy to reduce the deficit.

What I do not want is to make sure our government will not be funded. There are other ways of doing it, and I will talk about that more tomorrow, about how we can actually pay for this, but today I wish to talk about the consequences of what we are doing. There is nobody on the Senate floor talking about it. I appreciate the minority leader, but on my side, if nobody is going to talk about it, I am going to talk about it.

A possible government shutdown creates uncertainty in consumer confidence and further damages the economy. Mark Zandi, the chief economist of Moody's, says it will damage the confidence in the economy and could result in the loss of 700,000 jobs. Well, let me tell you—and everybody says: Oh, well, that is government. I am going to talk about: Oh, well, that is government in a minute.

But let's take the private sector. Let's take that snickering and snarling over national parks. Do you know the national parks—we have 365 of them, 49 States, 300 million visitors. Do you know those national parks generate 270,000 private sector jobs in campgrounds, restaurants, gas stations, vendors to the national parks.

Oh, yes, you can laugh about closing down Yellowstone, and maybe that is not the explosive thing—270,000 jobs, mostly in the West. I did not hear that the West had such a low unemployment rate that they do not give a darn. Local communities near national parks will lose $14 million a day. That is the national park argument.

Let me go to the contractors. I represent the State of Maryland, where we have a lot of contractors. Take the Goddard Space Agency, 3,000 civil servants who do everything from help run the Hubble telescope and green science, to figuring out how we can fix the satellites through robots in the sky. But there are 6,000 contractors—6,000 contractors. Some of them are small business, 8(a) contractors working their way up.

Many of them—some of them are women. Many of them are veterans who started small- to medium-sized businesses. These people, if there is a government shutdown, will not get paid. Hello, colleagues. This is not only going to happen in my State, this is going to happen in your State.

There was a major article in the Wall Street Journal yesterday about what the shutdown means to the private sector. Well, let's wake up and let's move more quickly to this sitdown.

I wish to talk about essential versus nonessential. In my State, I represent over 100,000 Federal employees. Three of them are Nobel Prize winners I will talk about in a minute—Nobel Prize winners who are civil servants. Those are not even the gangs at Hopkins and the University of Maryland. Those are three Nobel Prize winners who are actual civil servants.

Under this shutdown we are headed for, they are going to be told they are nonessential. We have a Nobel Prize winner at NIST who works on the development of new work on laser light. Secretary Chu was his partner.

We have a Nobel Prize winner at NIH who won the Nobel Prize for proteins and cellular communication that could lead to a cure for cancer and a Nobel Prize winner at Goddard in physics. I am not going to call their names; I do not want to feel awkward. But what am I going to do midnight Friday? Am I going to call these three Nobel Prize winners and say: Hey, guys, you are nonessential. We know you could be in the private sector making millions of dollars, but you are staying here to do research to save lives, save the planet, and lead to saving our economy. But, hey, I guess you are nonessential.

In other countries, they carry you around on their shoulders and so on. But here, no, we are told they are nonessential. It is not only Nobel Prize winners, it is all the other people who are working. We are going to turn out the lights at the National Institutes of Health. We are going to say to a researcher: I know you are working on that cure for cancer. I know you are working on that cure for Alzheimer's or autism or arthritis—sticking just with the ''A'' words. But you know what, Washington, the Congress says, you are not essential.

What about Social Security? I have over 10,000 people who work at the Social Security Administration. You say: Well, my God, that is a lot. That is 24/7 to make sure it all functions properly and efficiently. We have the lowest overhead of any ''insurance company'' in America. But these lights are going to be shuttered at Social Security, not only in Senator BARB's and Senator BEN CARDIN's State, but it is also going to be shuttered, Madam President, in your State. When people want to come to apply for benefits they are eligible for, when people who are disabled want to apply for those benefits, they are going to come to a shuttered Social Security office. They are going to be told they are not essential.

Well, then, let's wait until Monday morning. Are they not going to come to work fired up, ready to work for America, ready to help America be great again? They are America's essential employees doing the work that goes on at NIH, Social Security, the National Institutes of Standards. They come up with new ideas.

Then look at commerce. I represent the great Port of Baltimore. Ships are going to come into the port. Who is going to inspect their cargo? Traffic coming into airports, who is going to inspect their cargo?

But, oh, no, we are going to tell them they are nonessential. Well, I am telling you, this is not going to be good. But you know what is not good, not only the consequences but the way we are functioning.

Madam President—hello? Madam President. I do not know if my speech is not that attention-getting, but can I have your attention?

The ACTING PRESIDENT pro tempore. The Senator has consumed 10 minutes.

Ms. MIKULSKI. Well, then, my time is up. Well, maybe the Senate is not paying attention, but the American people are paying attention. I am telling you, this is a situation of enormous negative consequence. I think we are going to rue the day at the way we are functioning. We need to come to the table, and we need to sit around and act like rational human beings.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

STEM FIELDS

Mrs. SHAHEEN. Madam President, as Congress and the Obama administration grapples with how to responsibly address our long-term deficit, we need to remember why it is so important to get on a path to balanced budgets. We need to a dress the long-term deficit because it is a threat to America's future prosperity. It is about economic growth and jobs. That is why the deficit matters. The deficit is not just some math problem where it is solved if the numbers add up right. The choices we make, which spending programs we cut which tax expenditures we eliminate, where we continue to boost investment, matter.

The overarching challenge facing our country is how we keep our economy competitive.

We cannot compete with India and China for low-wage manufacturing jobs. That is not our future.

America's future is in continuing to be the global leader in science and technology. America makes the best, most innovative products and services, and that ingenuity and excellence is our chief economic strength as a nation.

But we are in danger of losing that edge. Science, technology, engineering and math, what we call the STEM fields, are the skills that drive innovation.

And jobs in the STEM fields are expected to be the fastest-growing occupations of the next decade. However, not enough students in our country are pursuing an education in STEM subjects to keep up with the increased demand.

For those students that do pursue education in STEM fields, they are being outperformed by international competitors. Studies show that by the end of eighth grade, students in the U.S. are 2 years behind their international peers in math. American students rank 21st in science and 25th in math among industrialized countries. In addition, the U.S. has produced a declining number of Ph.Ds in science and engineering compared to the European Union and China over the past 3 decades. It is clear that to remain competitive internationally, we must encourage and strengthen the supply of STEM-trained graduates.

That is why this week Leader REID and Senators KLOBUCHAR, KERRY, BEGICH, COONS and I introduced legislation, the Innovation Inspiration School Grant Program, which will bolster our Nation's ability to compete in the global economy.

My legislation will provide new incentives for our schools to think outside the box and embrace extracurricular and nontraditional STEM education programs. It establishes a competitive grant program that will encourage schools to partner with the private sector, both for financial support and to provide mentors who can serve as guides and role models to students.

I am proud that New Hampshire is the home to the FIRST Robotics program. For over a decade, teams of students have been designing robots to compete against one another in regional, then national, competitions. On Monday we hosted FIRST teams from Maryland and Virginia who demonstrated in the Dirksen building how the robots they designed and built actually work. It is these kinds of nontraditional STEM programs that make

a difference in the students' lives and inspire them to continue in STEM careers or postsecondary education.

In fact, research shows that 99 percent of students who participate in FIRST Robotics graduate high school and almost 90 percent go on the college. And once in college, these students are nearly seven times more likely to major in engineering and twice as likely to major in computer science. They are also significantly more likely to attain a postgraduate degree. The data speaks for itself: investments in these sorts of programs matter and make a difference.

I urge colleagues to join me in supporting this important legislation that will inspire our students to become scientists, engineers, computer programmers and mathematicians. Our country's economic future depends on it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. Madam President, I am going to speak for approximately 4 minutes during morning business. I had originally intended on 15, but I am going to do that tomorrow on another subject. If I could be recognized for 4 minutes, that is my intention.

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

Mr. ROBERTS. I thank the Chair.

WICHITA STATE UNIVERSITY SHOCKERS

Mr. ROBERTS. Madam President, I know it is pretty serious business talking about a government shutdown and things of this nature that affect all Americans. I certainly hope we can reach some accommodation. I wish to do a little bragging on behalf of my home State.

We are pretty proud of our basketball heritage in Kansas, but I note that we have not received national recognition to the extent I think we should in regards to the recent accomplishment I wish to highlight.

I rise to congratulate the Wichita State University Shockers. The Shockers won the 2011 Men's National Invitation Tournament in the Big Apple, the championship in New York City. In claiming the championship trophy, Wichita State set the school record with 29 victories in the season. Wichita State advanced to the NIT championship with four straight wins in the tournament. They beat the University of Nebraska in the first round, Virginia Tech in the second round, the College of Charleston in the quarter finals, Washington State University in the semifinal, and, finally, the University of Alabama in the championship game. All of these schools have good basketball teams, and Wichita State came out on top.

Graham Hatch was named the NIT's most outstanding player and a member of the All-Tournament Team, while Garret Stutz was named to the All-Tournament Team as well.

Wichita State and head coach Gregg Marshall were not only successful on the court but in the classroom as well. Earlier this year, Coach Hatch and Garrett Stutz were named to the 2011 Missouri Valley Conference Scholar Athlete first and honorable mention teams, respectively. I congratulate the Wichita State University Shockers, their head coach Gregg Marshall, the athletic director Eric Sexton, a good friend of mine, and Wichita State University president Don Beggs. Don, you are back again, and you certainly did us proud.

Specifically, I congratulate each member of the team for an exemplary season: Gabe Blair, Derek Brown, J.T. Durley, Aaron Ellis, Jerome Hamilton, Graham Hatch, Trey Jones, David Kyles, Toure Murry, Ehimen Orukpe, Joe Ragland, Tyler Richardson, Ben Smith, Garrett Stutz, Randall Vautravers, Josh Walker, and Demitric Williams.

If I mispronounced any name, I am terribly sorry. They did not do anything wrong with the tournament in terms of winning the NIT. Congratulations to all Shockers basketball fans. The coach has made the decision to stay at Wichita State. Good news for Kansas. Good news for Wichita State, an exemplary action on the part of the coach after a very successful team effort and winning the NIT and then staying at Wichita State University. Good news for Kansas, good news for Wichita State, and good news all the way around.

By the way, we will not shut down the team. They are going to keep on fighting.

I think the signal there was not four quarters and let's go play hard, but the 4 minutes are up.

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

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

The bill clerk proceeded to call the roll.

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

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

A SECOND OPINION

Mr. BARRASSO. Madam President, I come to the floor today as a doctor who has practiced medicine in Wyoming for about 25 years. During that time I was medical director of something called Wyoming Health Fairs where we provide employees low-cost blood screening for early detection and early treatment of medical problems. We know one of the things that was attempted to be solved with the discussion on health care was to have people involved in their own health care decisions and early detection, as well as prevention of disease.

I attended a health fair last weekend in Worland, Washakie County, WY, where I had a chance to meet with a number of folks, including people from small businesses. First, I wish to congratulate this body, and specifically Senator JOHANNS from Nebraska, for the repeal of the 1099 form regulations which significantly burden small businesses all around the country.

I also come to the floor as someone who has practiced medicine and has been watching the health care law closely. It is one that I believe is bad for patients, bad for providers and nurses and doctors who take care of the patients, and bad for the American taxpayers because I think this is going to add significantly to our growing debt problem. These are things that need to be addressed.

One part of the health care law, the 2,700-page law that was passed, dealt with something called accountable care organizations. Those are intended to help people coordinate care and have that coordinated care increase people's health by early detection of problems and to help minimize problems but also attempt to save money.

The six pages of the health care law that dealt with accountable care organizations has resulted in the release of regulations on March 31, 429 pages of regulations which have a significant impact on restructuring the way medicine is practiced.

As I look at this in terms of our growing debt, my concern is that the administration is bragging that the regulations save Medicare money, about $960 million total, best care scenario, over a 3-year period. So savings of less than $1 billion, a restructuring of the way medicine is being practiced, a savings of less than $1 billion, at a time when Medicare will be spending over those 3 years over $1.5 trillion, a savings of less than $1 billion on an expenditure of over $1.5 trillion.

The other aspect that was so interesting in watching this administration is they have come out with a statement about regulations.

The small businesspeople I talked to in Worland last weekend at the health fair told me that increased government regulations add to the cost of doing business and make it harder for them to hire more people. Specifically, it is related to increased costs.

It was interesting to see the administration saying that an increase in labor demand due to regulations may have a stimulative effect that results in a net increase in overall employment. The administration apparently believes if we increase the rules and regulations on businesses, it will make it better for them, when they will tell us universally that it will make it worse.

Additionally, last Friday night the Department of Health and Human Services released their new next round of ObamaCare waivers. We have talked about those in the past on this floor as part of a doctor's second opinion. If this health care law is so good, why do millions and millions of Americans say: We can't live under this, and the

administration agrees and grants them waivers?

So this past weekend, Secretary Sebelius added another 128 waivers covering another 300,000 Americans to say: No, for the next year, you get a 1-year waiver, you do not have to live under the mandates of ObamaCare.

So now we are at a point where the total number of waivers granted has been over 1,000, covering 2,930,000 people. So, wow, what is the breakdown of those people? Who are they? How can they get those waivers?

Well, it is interesting. In this country, where union workers are just a small percentage of the total workforce, 49 percent—almost half—of all of the waivers have been granted to people who get their insurance through the unions.

I just looked at this list that came out, and it is interesting because one of the waivers that had been granted for 13,000 employees, enrollees, is for the United Food and Commercial Workers Union. So let's see what we can find out about them. If we go to their Web site and go to the area that deals with health care, what it says is this:

Thanks to your hard work—

This is to people in the union—

Thanks to your hard work over the last year, Congress passed a health care reform bill that was signed into law by President Obama. This landmark reform is a hard-fought victory for [the United Food and Commercial Workers Union]. . . .

Well, wait a second, these are the same people who went in and asked for and got a waiver from the Secretary of Health and Human Services—a waiver so they do not have to live under it.

Now, it is interesting, if you go to this Web site, you can click to other things, and what you can find is that you can actually watch a video on the Web site of the people who just got a waiver—a video of the members of this union ''rally and talk about health care reform.'' Oh, the health care they are rallying for, but they do not want it to apply to them. The Secretary of Health and Human Services says: That is fine, you can have a waiver. Oh, you can actually ''see the pictures of [union] members taking action on health care reform.'' But it is not the action of applying for the waiver—a waiver they have just been granted by the Secretary of Health and Human Services.

Now it says:

Call your members of Congress to thank them for passing real reform.

Oh, you are supposed to thank the Members of this body for passing something, but then they applied for a waiver that has been granted for over 13,000 members who get insurance through this program?

They say you can also check an area to read the background information on this union's ''advocacy of health care reform''—advocacy for a program they wanted to force down the throats of the American people but yet do not want to live under themselves.

This health care law is bad for this country, it is bad for our patients, it is bad for our health care providers, and it is bad for taxpayers. The union members who absolutely lobbied for it are now saying—now that they have read the bill, now that they know what is in the law, they are saying they do not want it to apply to them, so much so that one of the unions that has gotten a waiver, on their recent Web site, said:

. . . we are . . . challenged by how to implement the law under prevailing circumstances.

Well, the prevailing circumstances are the law they wanted passed.

It says:

The Trustees of the Fund have no ability to secure additional contributions needed to cover the increased costs of providing these required—

Required by the people on the other side of the aisle who voted for this—

additional benefits.

It says:

The Trustees are requesting a waiver from HHS to preserve the annual benefit limitation now in place for the part-time plan of benefits to minimize the cost impact of transitioning to the requirements of the reform act. . . .

Well, what it basically says is that these folks who want the waiver are saying what I have been saying on this floor since the beginning of the debate: that this is going to be bad for taxpayers, it is going to drive up the cost of care, it is going to drive up the cost of insurance, in spite of the President's promise that if we pass this, families will see premiums drop by $2,100, in spite of the President's promise that if you like your plan, you can keep it. What we are seeing, for the people who proudly lobbied for this, is that they do not want it to apply to them. They realize now it is going to cause their plans to have significant problems.

I believe every American ought to be able to have a waiver, every American ought to not have to live under this health care law. To me, it is unaffordable, it is unmanageable, and I believe it is unconstitutional. That is why I come to the floor, as I have every week, with a doctor's second opinion that we must repeal and replace this health care law.

Madam President, I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

ENSURING PAY FOR OUR MILITARY ACT

Mrs. HUTCHISON. Madam President, I wish to speak about the urgent fiscal crisis that is facing our Nation. We know the Congress right now is in negotiation for a resolution that will take us until the end of the fiscal year, and it is in an atmosphere in which so many people are worried about our overwhelming debt and the deficit that would be in the budget that was submitted by the President. We now are trying to cut that budget responsibly.

The United States is averaging $4 billion a day in debt. A $1.6 trillion deficit is projected by the end of this year. That is just the deficit. That is adding to the debt. Federal spending in 2010 was 23.8 percent of gross domestic product. The CBO, the Congressional Budget Office, predicts it will be 24.7 percent of GDP in 2011.

As a nation, we must remain competitive by reducing Federal spending and spurring economic growth in the private sector. It is jobs in the private sector that will take our economy out of the doldrums where it is now.

For the sake of the American people, I hope we can come together to stop the reckless Federal spending. Continuing the spending, the borrowing, and the taxing in Washington will halt job creation and triple the debt by the end of this decade. That is what is predicted.

We must make bold cuts where we can by carefully also prioritizing investment in areas of strategic national importance. What we need now is for the President, the Senate majority leader, and the House Speaker to sit in a room and not come out until a deal is made that has the votes to pass.

I do not want a government shutdown. The consequence of a government shutdown will be enormous, and so many people who are talking about that as an option, as if it is not a big deal, just do not realize how many lives it will touch and how hard it is going to make life for so many people—people who have depended on benefits, such as veterans.

We do not know what will happen in a government shutdown. We do not know what will happen to our military because that is not clear. That is what I want to talk about today.

A government shutdown will put people in peril in many areas, but now we have a situation in which our military, our Active-Duty military—almost 90,000 are in Afghanistan, 47,000 in Iraq—is put in a position today of now also wondering if their spouses at home with children are going to get their paychecks. If we have a government shutdown that will affect their ability to pay their mortgages.

Madam President, let me ask, are there time limits in place?

The ACTING PRESIDENT pro tempore. There is an order to recognize Senator AYOTTE for her first speech at 10:40 a.m.

Mrs. HUTCHISON. Thank you, Madam President.

Let me just say that I have introduced legislation. I have cosponsors—CASEY, INHOFE, SNOWE, MURKOWSKI, COLLINS, AYOTTE, and HOEVEN. It is the Ensuring Pay for our Military Act of

2011. It is very simple. It just ensures that in the event of a Federal Government shutdown—which I do not want to happen and do not support—our military will be paid. It also will allow anyone who is serving our military—civilian defense employees or contractors who do the food services—to also be able to go to work and not have to worry about what is going to be happening back home, especially for those who are serving in harsh conditions overseas.

I so hope we will be able to pass this bill. I do not want 1 more minute of stress on our military. The bill is very simple, and it is very short and very clear: Our military personnel and their support will not be affected by a government shutdown.

I hope I can have more colleagues signing up. We have introduced this bill, S. 724, and I hope we can get a vote on this bill in very short order so this is off the table.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

FACING ENORMOUS CHALLENGES

Ms. AYOTTE. Madam President, with humility and a deep sense of reverence for this body, I rise today to address my colleagues in the Senate. Serving in this historic Chamber is truly an honor. On this floor, men and women of strong character gather together to continue the unfinished work of building a more perfect union.

It is an even greater privilege to stand here representing the people of New Hampshire. A place of distinct beauty that places a premium on self-governance and informed public discourse, New Hampshire reflects the very best of our Nation.

As America faces enormous challenges, I am reminded of the words of wisdom from one of New Hampshire's revered statesmen, GEN John Stark. After fighting bravely and heroically in the Revolutionary War, General Stark gave New Hampshire its treasured State motto: ''Live Free or Die.'' This famous quote perfectly captures the spirit and character of the people of the Granite State. Fiercely independent and strongly protective of our personal freedoms, we place a high premium on self-reliance, personal initiative, and individual liberty. We believe strongly that government cannot and should not be allowed to get in the way of each of us reaching our full potential. That is what ''live free or die'' means. Yet, as I stand here today and as I have heard from so many of my fellow Granite Staters, we are at a time when our government has grown so large and we have become so indebted that the size of our debt threatens the full potential and future of the greatest people and country on Earth.

ADM Mike Mullen, the Chairman of the Joint Chiefs of Staff, has said that America's debt is the greatest national security threat we face. That debt now stands at a historic level of over $14 trillion, about half of which is held by other countries. The single biggest foreign holder of our debt is China, a country which does not share our values. We are borrowing $4 billion a day, or 40 cents of every single dollar, to fund our ever-expanding government.

In the month of February alone, we ran a record monthly deficit of $223 billion. That $223 billion shortfall—accumulated in just 1 month—puts into perspective the current spending debate we are having in Congress. House Republicans came up with a plan to cut $61 billion for the rest of this fiscal year, which is an important start. But those cuts only cover a little more than a quarter of the deficit we accumulated in just 1 month.

Yet all I hear from my colleagues on the other side of the aisle is that $61 billion in cuts is extreme. In my view, the only thing that is extreme is failing to confront the endless flood of red ink that threatens our economic strength and threatens our national security.

The debt we owe is so much more than just numbers. This is about us—who we are as Americans—and what kind of country we want to leave behind for our children. My husband Joe and I are the proud parents of two children—Kate, who is 6 years old, and Jacob, who is 3 years old. I am determined to keep alive the American dream for my children and for all of our children and for future generations in this country. But our addiction to spending in Washington threatens that dream. I, for one, will not sit by while our children become beholden to China.

Hollow words paying lip service to fiscal responsibility have been used by too many in Congress for far too long. New Hampshire families sit around their kitchen tables and find ways to make their family budget work. With limited resources, they make hard choices to distinguish between wants and needs. It is time for our Federal Government to do the same.

That is why the first step we should take is to pass a balanced budget amendment to the Constitution. Almost every State in the Nation is required to balance its budget, and our Federal Government should be no different. Last week, I was proud to join with all 46 of my Republican colleagues in supporting such an amendment that caps spending, requires the budget to balance, and makes it more difficult to raise taxes. I ask my colleagues on the other side of the aisle to join us in passing this important measure and to put this vote to the States for ratification.

I appreciate that amending the Constitution is no light matter, but our Founding Fathers could not have anticipated how unwilling Members of Congress would be to actually pass a balanced budget and to make fiscally responsible decisions. Our Founding Fathers were well aware of the threat posed by debt. It was Thomas Jefferson who wrote:

> To preserve our independence, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude.

In 1997, the Senate came close to getting its arms around the debt when a balanced budget amendment failed to pass this Chamber by just one vote. At that time, our national debt was a little over $5 trillion. It has nearly tripled since then. Imagine how much stronger our Nation would be today had the Senate approved a balanced budget amendment back then and the States adopted it.

A constitutional amendment requiring a balanced budget is a key first step, but getting spending under control will take a multipronged approach. That is why we must also move quickly to pass serious statutory limits on spending.

One of my honorable predecessors from New Hampshire, Warren Rudman, helped author the Gramm-Rudman-Hollings Act to require sequestration of funds if Congress failed to act to cut spending within deficit targets. Unfortunately, Congress circumvented the law's provisions by finding loopholes. While that effort may not have ultimately succeeded, we should take the lessons learned from that experience. We need statutory spending caps with teeth that Congress cannot easily undermine.

While I realize that this week we are working to pass funding for the rest of fiscal year 2011, Congress must do something this year that it failed to do last year: Pass a budget. Back home in New Hampshire, people—especially small business owners—are astounded to learn that our Federal Government is operating right now outside the confines of a strict budget. Frankly, it is shameful the last Congress did not approve a budget for fiscal year 2011. Their failure to act is why we are in the difficult place we find ourselves today. Here we are, trying to fund government through a series of patchwork, short-term funding bills.

We need a fiscally responsible budget that cuts Federal spending and puts us on a path to eliminating our debt altogether. State governments operate within a budget, families operate within a budget, small businesses operate within a budget, and the Senate should not be working on any other legislation until we resolve funding for the rest of this fiscal year and pass a responsible budget for 2012.

We have to begin by reviewing every program in our government and eliminating the waste, fraud, and duplication we all know is there. We know there is so much more we can do to streamline our Federal Government. A GAO report released in March identified hundreds of redundant programs costing us billions of dollars.

Finally, it is clear we cannot address our country's fiscal crisis while continuing to focus on only 12 percent of

spending. That is certainly an important start—and there is plenty to cut—but in order to truly get our fiscal house in order, we must look at the entire budget. We must repair our entitlement programs—Medicaid, Medicare, and Social Security.

Entitlement reform should be an issue that brings us all together—Republicans, Democrats, Independents—to ensure we keep our promises to those who are relying on those programs, while making sure future generations don't pay for our failure to address the fiscal reality of these programs right now. This is certainly an issue that requires Presidential leadership, and I join others in my party in inviting the President to work across party lines to address this urgent priority. The American people deserve a substantive, responsible debate on how we can preserve these programs in a fiscally sustainable way. We simply cannot continue to put off making the difficult decisions today and passing them on to the next generation.

With our trillion dollar-plus deficits and rapidly accelerating debt, we are again closing in on our debt ceiling. Having to repeatedly increase the debt limit represents a broad failure of leadership by politicians from both parties. As a new Member of the Senate, I refuse to perpetuate that cycle. We cannot let this moment pass us by, and I cannot in good conscience raise our debt ceiling without Congress passing real and meaningful reforms to reduce spending. That plan should include a balanced budget amendment, statutory spending caps, spending cuts, and entitlement reform.

We can no longer afford the status quo or business as usual in Washington. The days of spending as though there is no tomorrow to bring home the bacon must end. The fiscal crisis that threatens our Union threatens all of us. We will have to make sacrifices. There will be times when we have to put aside our parochial interests and appreciate that the only way we will be able to cut spending is for all of us to take shared responsibility and to make shared sacrifices for the great country we love.

Make no mistake, out-of-control spending jeopardizes our Nation's economic strength and costs us jobs. One thing is for sure: We cannot spend our way to prosperity. We need look no further than the stimulus package to prove that stubborn fact.

The reality is that government doesn't create jobs. Small businesses and entrepreneurs create jobs. What we can do in the Senate is to help create the right tax and regulatory conditions to allow our businesses to thrive and grow.

Despite the circumstances we face, we are blessed to live in the greatest country in the world. There has never been a challenge we have not faced and met and overcome and been better for.

When I think of what it will take to address the challenges before us, I am reminded of my 95-year-old grandfather, John Sullivan, who is a World War II veteran and what his generation went through and what he did. My grandfather landed on the beaches of Normandy, and he is part of what is known as the ''greatest generation'' of our country.

Every generation is called upon anew to preserve our country. In my view, this generation's greatest challenge is having the courage and the will to take on and fix our fiscal crisis and get our fiscal house in order once and for all. This is our time to show we have the fortitude and the courage to do what is right to preserve the greatest Nation on Earth.

I know we can do this, and it is truly humbling to have the opportunity to serve in this body at a time when I know leadership and courage will make all the difference. On behalf of the people of New Hampshire, I stand ready to fight for our great country and to work with my colleagues on both sides of the aisle to address our fiscal crisis. I remain confident that America's best days still lie ahead of us.

Thank you very much, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I wish to congratulate our new colleague on her initial speech related to the twin problems we have in this country of spending and debt, as well as to say to her that it is pretty clear to all of us that she is a worthy successor to our good friend Judd Gregg whose seat she now occupies and who was also a leader in this body—some would argue the leader in this body—on the questions of our Nation's fiscal crisis and how to get it in order. So on behalf of all of our colleagues, I congratulate Senator AYOTTE.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Madam President, I also wish to congratulate my colleague from New Hampshire. It is an extraordinary privilege to serve in this Chamber and it is a long tradition of the Chamber to utilize one's first speech or maiden speech as an opportunity to address something that is close to one's heart. I extend a warm welcome to her and to her voice, her intellect, and her passion on issues that we must, on both sides of the aisle, work to resolve in order to build a better America and put America back on track.

I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

SBIR/STTR REAUTHORIZATION ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 493, which the clerk will report.

The bill clerk read as follows:

A bill (S. 493) to reauthorize and improve the SBIR and STTR programs, and for other purposes.

Pending:

McConnell amendment No. 183, to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change.

Vitter amendment No. 178, to require the Federal Government to sell off unused Federal real property.

Inhofe (for Johanns) amendment No. 161, to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments.

Cornyn amendment No. 186, to establish a bipartisan commission for the purpose of improving oversight and eliminating wasteful government spending.

Paul amendment No. 199, to cut $200,000,000,000 in spending in fiscal year 2011.

Sanders amendment No. 207, to establish a point of order against any efforts to reduce benefits paid to Social Security recipients, raise the retirement age, or create private retirement accounts under title II of the Social Security Act.

Hutchison amendment No. 197, to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits.

Coburn amendment No. 184, to provide a list of programs administered by every Federal department and agency.

Pryor amendment No. 229, to establish the Patriot Express Loan Program under which the Small Business Administration may make loans to members of the military community wanting to start or expand small business concerns.

Landrieu amendment No. 244 (to amendment No. 183), to change the enactment date.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I ask unanimous consent that Coburn amendment No. 281 replace amendment No. 223 in the agreement we reached last evening. This is an updated version of Senator COBURN's amendment.

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

Ms. LANDRIEU. Madam President, under the previous agreement that was reached last evening—and I want to thank both leaders, Senators REID and MCCONNELL, for working so hard with Senator SNOWE and me to try to bring our caucuses to conclusion points on this very important bill, the small business innovation bill, that we have been negotiating now for almost 2 weeks. It is a very important program that deserves to be reauthorized.

This bill will reauthorize this important program for 8 years. We have been operating the last 4 years with 3 months at a time and 6 months at a time. Madam President, representing New York, you know that many of your small businesses have accessed this program, many of your universities, to acquire or to reach cutting-edge technologies that not only our

Federal agencies need but taxpayers benefit from directly.

This program is a job creator. It is an innovative program, and it is a job creator. So I appreciate the work our two leaders have done with Senator SNOWE and myself to get us to this agreement.

We will be having seven votes this afternoon. Just to recap, they will be Baucus No. 236, Stabenow No. 277, Rockefeller No. 215, Coburn No. 217, Coburn No. 281, Coburn No. 273, which is a side-by-side, I think, and Inouye No. 286. Those have already been agreed to, but, Madam President, our challenge is that we have 124 additional amendments that have been filed, most of which have nothing to do with either the Small Business Administration or this program. We understand Senators are frustrated and want floor time for their issues, but taxpayers need this program that works.

We are eliminating some programs at the Federal level that don't work, but this one does. So we need to try to find a way to get it authorized and continue the good economic numbers we are hearing coming out of Treasury and other independent think tanks that are saying jobs are being created.

The recession looks as though it is potentially coming to an end. We are creating net new jobs every month. This is a program that supports that. It is a great foundation program based on cutting-edge research and innovation that helps small businesses in the country who are the job creators.

So I ask Members on both sides to work cooperatively throughout the day today. We are going to have a vote on these seven amendments this afternoon, as previously agreed to, and we will be considering and trying to work with Members on some of their other issues. If we could get a good, strong small business bill agreed to this week and sent over to the House as we resolve these very tough negotiations on the budget, we can be proud to, at some point very soon, send this bill with a few attached amendments, hopefully—not many but a few—to the President's desk for signature.

So, again, I thank the Members for their cooperation, and I suggest the absence of a quorum.

I am sorry, Madam President. Let me take back that request.

AMENDMENTS NOS. 236, 277, 215, 217, 281, 273, AND 286

Ms. LANDRIEU. Madam President, under the previous agreement we were able to get to last evening, I call up the amendments I previously cited.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes amendments en bloc numbered 236, 277, 215, 217, 281, 273, and 286.

The amendments are as follows:

AMENDMENT NO. 236

(Purpose: To prohibit the regulation of greenhouse gases from certain sources)

At the end, add the following:

SEC. ___. GREENHOUSE GAS-RELATED EXEMPTIONS FROM PERMITTING REQUIREMENTS.

(a) PURPOSES.—The purposes of this section are—

(1) to ensure that the greenhouse gas emissions from certain sources will not require a permit under the Clean Air Act (42 U.S.C. 7401 et seq.); and

(2) to exempt greenhouse gas emissions from certain agricultural sources from permitting requirements under that Act.

(b) AMENDMENT.—Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

"SEC. 329. GREENHOUSE GAS-RELATED EXEMPTIONS FROM PERMITTING REQUIREMENTS.

''(a) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' means any of the following:

''(1) Carbon dioxide.

''(2) Methane.

''(3) Nitrous oxide.

''(4) Sulfur hexafluoride.

''(5) Hydrofluorocarbons.

''(6) Perfluorocarbons.

''(7) Nitrogen trifluoride.

''(8) Any other anthropogenic gas, if the Administrator determines that 1 ton of the gas has the same or greater effect on global climate change as does 1 ton of carbon dioxide.

''(b) NEW SOURCE REVIEW.—

''(1) MODIFICATION OF DEFINITION OF AIR POLLUTANT.—For purposes of determining whether a stationary source is a major emitting facility under section 169(1) or has undertaken construction pursuant to section 165(a), the term 'air pollutant' shall not include any greenhouse gas unless the gas is subject to regulation under this Act for reasons independent of the effects of the gas on global climate change.

''(2) THRESHOLDS FOR EXCLUSIONS FROM PERMIT PROVISIONS.—No requirement of part C of title I shall apply with respect to any greenhouse gas unless the gas is subject to regulation under this Act for reasons independent of the effects of the gas on global climate change or the gas is emitted by a stationary source—

''(A) that is—

''(i) a new major emitting facility that will emit, or have the potential to emit, greenhouse gases in a quantity of at least 75,000 tons of carbon dioxide equivalent per year; or

''(ii) an existing major emitting facility that undertakes construction which increases the quantity of greenhouse gas emissions, or which results in emission of greenhouse gases not previously emitted, of at least 75,000 tons carbon dioxide equivalent per year; and

''(B) that has greenhouse gas emissions equal to or exceeding 250 tons per year in mass emissions or, in the case of any of the types of stationary sources identified in section 169(1), 100 tons per year in mass emissions.

''(3) AGRICULTURAL SOURCES.—In calculating the emissions or potential emissions of a source or facility, emissions of greenhouse gases that are subject to regulation under this Act solely on the basis of the effect of the gases on global climate change shall be excluded if the emissions are from—

''(A) changes in land use;

''(B) the raising of commodity crops, stock, dairy, poultry, or fur-bearing animals, or the growing of fruits or vegetables; or

''(C) farms, plantations, ranches, nurseries, ranges, orchards, and greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities.

''(c) TITLE V OPERATING PERMITS.—Notwithstanding any provision of title III or title V, no stationary source shall be required to apply for, or operate pursuant to, a permit under title V, solely on the basis of the emissions of the stationary source of greenhouse gases that are subject to regulation under this Act solely on the basis of the effect of the greenhouse gases on global climate change, unless those emissions from that source are subject to regulation under this Act.''.

AMENDMENT NO. 277

(Purpose: To suspend, for 2 years, any Environmental Protection Agency enforcement of greenhouse gas regulations, to exempt American agriculture from greenhouse gas regulations, and to increase the number of companies eligible to participate in the successful Advanced Energy Manufacturing Tax Credit Program)

On page 116, after line 24, add the following:

SEC. 504. SUSPENSION OF STATIONARY SOURCE GREENHOUSE GAS REGULATIONS.

(a) DEFINED TERM.—In this section, the term ''greenhouse gas'' means—

(1) water vapor;

(2) carbon dioxide;

(3) methane;

(4) nitrous oxide;

(5) sulfur hexafluoride;

(6) hydrofluorocarbons;

(7) perfluorocarbons; and

(8) any other substance subject to, or proposed to be subject to, any regulation, action, or consideration under the Clean Air Act (42 U.S.C. 7401 et seq.) to address climate change.

(b) IN GENERAL.—Except as provided in subsection (d), and notwithstanding any provision of the Clean Air Act (42 U.S.C. 7401 et seq.), any requirement, restriction, or limitation under such Act relating to a greenhouse gas that is designed to address climate change, including any permitting requirement or requirement under section 111 of such Act (42 U.S.C. 7411), for any source other than a new motor vehicle or a new motor vehicle engine (as described in section 202(a) of such Act (42 U.S.C. 7521(a)), shall not be legally effective during the 2-year period beginning on the date of the enactment of this Act.

(c) TREATMENT.—Notwithstanding any other provision of law, any action by the Administrator of the Environmental Protection Agency before the end of the 2-year period described in subsection (b) that causes greenhouse gases to be pollutants subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.), except for purposes other than addressing climate change, shall not be legally effective with respect to any source other than a new motor vehicle or a new motor vehicle engine (as described in section 202 of such Act).

(d) EXCEPTIONS.—Subsections (b) and (c) shall not apply to—

(1) the implementation and enforcement of the rule entitled ''Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards'' (75 Fed. Reg. 25324 (May 7, 2010) and without further revision);

(2) the finalization, implementation, enforcement, and revision of the proposed rule entitled ''Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles'' published at 75 Fed. Reg. 74152 (November 30, 2010);

(3) any action relating to the preparation of a report or the enforcement of a reporting requirement; or

(4) any action relating to the provision of technical support at the request of a State.

SEC. 505. GREENHOUSE GAS EMISSIONS FROM AGRICULTURAL SOURCES.

In calculating the emissions or potential emissions of a source or facility, emissions of greenhouse gases that are subject to regulation under title III of the Clean Air Act (42 U.S.C. 7601 et seq.) solely on the basis of the effect of the gases on global climate change shall be excluded if the emissions are from—

(1) changes in land use;

(2) the growing of commodities, biomass, fruits, vegetables, or other crops;

(3) the raising of stock, dairy, poultry, or fur-bearing animals; or

(4) farms, forests, plantations, ranches, nurseries, ranges, orchards, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities.

SEC. 506. EXTENSION OF THE ADVANCED ENERGY PROJECT CREDIT.

(a) IN GENERAL.—Subsection (d) of section 48C of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) ADDITIONAL 2011 ALLOCATIONS.—

''(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this paragraph, the Secretary, in consultation with the Secretary of Energy, shall establish a program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors with respect to applications received on or after the date of the enactment of this paragraph.

''(B) LIMITATION.—The total amount of credits that may be allocated under the program described in subparagraph (A) shall not exceed the 2011 allocation amount reduced by so much of the 2011 allocation amount as is taken into account as an increase in the limitation described in paragraph (1)(B).

''(C) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of paragraphs (2), (3), (4), and (5) shall apply for purposes of the program described in subparagraph (A), except that—

''(i) CERTIFICATION.—Applicants shall have 2 years from the date that the Secretary establishes such program to submit applications.

''(ii) SELECTION CRITERIA.—For purposes of paragraph (3)(B)(i), the term 'domestic job creation (both direct and indirect)' means the creation of direct jobs in the United States producing the property manufactured at the manufacturing facility described under subsection (c)(1)(A)(i), and the creation of indirect jobs in the manufacturing supply chain for such property in the United States.

''(iii) REVIEW AND REDISTRIBUTION.—The Secretary shall conduct a separate review and redistribution under paragraph (5) with respect to such program not later than 4 years after the date of the enactment of this paragraph.

''(D) 2011 ALLOCATION AMOUNT.—For purposes of this subsection, the term '2011 allocation amount' means $5,000,000,000.

''(E) DIRECT PAYMENTS.—In lieu of any qualifying advanced energy project credit which would otherwise be determined under this section with respect to an allocation to a taxpayer under this paragraph, the Secretary shall, upon the election of the taxpayer, make a grant to the taxpayer in the amount of such credit as so determined. Rules similar to the rules of section 50 shall apply with respect to any grant made under this subparagraph.''.

(b) PORTION OF 2011 ALLOCATION ALLOCATED TOWARD PENDING APPLICATIONS UNDER ORIGINAL PROGRAM.—Subparagraph (B) of section 48C(d)(1) of such Code is amended by inserting ''(increased by so much of the 2011 allocation amount (not in excess of $1,500,000,000) as the Secretary determines necessary to make allocations to qualified investments with respect to which qualifying applications were submitted before the date of the enactment of paragraph (6))'' after ''$2,300,000,000''.

(c) CONFORMING AMENDMENT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''48C(d)(6)(E),'' after ''36C,''.

AMENDMENT NO. 215

(Purpose: To suspend, until the end of the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions)

At the end, add the following:

TITLE VI—BUSINESS INCUBATOR PROMOTION

SEC. 601. SHORT TITLE.

This title may be cited as the ''EPA Stationary Source Regulations Suspension Act''.

SEC. 602. SUSPENSION OF CERTAIN EPA ACTION.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any provision of the Clean Air Act (42 U.S.C. 7401 et seq.), until the end of the 2-year period beginning on the date of enactment of this Act, the Administrator of the Environmental Protection Agency may not take any action under the Clean Air Act (42 U.S.C. 7401 et seq.) with respect to any stationary source permitting requirement or any requirement under section 111 of that Act (42 U.S.C. 7411) relating to carbon dioxide or methane.

(b) EXCEPTIONS.—Subsections (a) and (c) shall not apply to—

(1) any action under part A of title II of the Clean Air Act (42 U.S.C. 7521 et seq.) relating to the vehicle emissions standards;

(2) any action relating to the preparation of a report or the enforcement of a reporting requirement; or

(3) any action relating to the provision of technical support at the request of a State.

(c) TREATMENT.—Notwithstanding any other provision of law, no action taken by the Administrator of the Environmental Protection Agency before the end of the 2-year period described in subsection (a) (including any action taken before the date of enactment of this Act) shall be considered to make carbon dioxide or methane a pollutant subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.) for any source other than a new motor vehicle or new motor vehicle engine, as described in section 202(a) of that Act (42 U.S.C. 7521(a)).

AMENDMENT NO. 217

(Purpose: To save at least $8.5 million annually by eliminating an unnecessary program to provide federal funding for covered bridges)

At the end of title V add the following:

SEC.____. ELIMINATING THE NATIONAL HISTORIC COVERED BRIDGE PRESERVATION PROGRAM.

(a) REPEAL.—Section 1224 of the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 225; 112 Stat. 837) is repealed.

(b) FUNDING.—Notwithstanding any other provision of law—

(1) no Federal funds may be expended on or after the date of enactment of this Act for the National Historic Covered Bridge Preservation Program under the section repealed by subsection (a); and

(2) any funds made available for that program that remain unobligated as of the date of enactment of this Act shall be rescinded and returned to the Treasury.

AMENDMENT NO. 281

(Purpose: To save at least $20 million annually by ending federal unemployment payments to jobless millionaires and billionaires)

At the end of title V, add the following:

SEC.____. ENDING UNEMPLOYMENT PAYMENTS TO JOBLESS MILLIONAIRES AND BILLIONAIRES.

(a) PROHIBITION.—Notwithstanding any other provision of law, no Federal funds may be used to make payments of unemployment compensation (including such compensation under the Federal-State Extended Compensation Act of 1970 and the emergency unemployment compensation program under title IV of the Supplemental Appropriations Act, 2008) to an individual whose adjusted gross income in the preceding year was equal to or greater than $1,000,000.

(b) COMPLIANCE.—Unemployment Insurance applications shall include a form or procedure for an individual applicant to certify the individual's adjusted gross income was not equal to or greater than $1,000,000 in the preceding year.

(c) AUDITS.—The certifications required by (b) shall be auditable by the U.S. Department of Labor or the U.S. Government Accountability Office.

(d) STATUS OF APPLICANTS.—It is the duty of the states to verify the residency, employment, legal, and income status of applicants for Unemployment Insurance and no federal funds may be expended for purposes of determining an individual's eligibility under this Act. Effective Date.—The prohibition under subsection (a) shall apply to weeks of unemployment beginning on or after the date of the enactment of this Act.

AMENDMENT NO. 273

(Purpose: To save at least $5 billion by consolidating some duplicative and overlapping government programs)

At the end of title V, add the following:

SEC.____. CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.

Notwithstanding any other provision of law, not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of the relevant department and agencies to—

(1) use available administrative authority to eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress entitled ''Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO–11–318SP) and apply the savings towards deficit reduction;

(2) identify and report to Congress any legislative changes required to further eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress entitled ''Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO–11–318SP);

(3) determine the total cost savings that shall result to each agency, office, and department from the actions described in subsection (1); and

(4) rescind from the appropriate accounts the amount greater of—

(A) $5,000,000,000; or

(B) the total amount of cost savings estimated by paragraph (3).

AMENDMENT NO. 286

(Purpose: To provide for the Director of the Office of Management and Budget to submit recommended rescissions in accordance with the Congressional Budget and Impoundment Control Act of 1974 for Government programs and agencies with duplicative and overlapping missions)

At the end of title V, add the following:

SEC. _____. CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.

Notwithstanding any other provision of law, not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) compile a list of Government programs and agencies selected from the Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress entitled ''Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO–11–318SP); and

(2) in accordance with the Congressional Budget and Impoundment Control Act of 1974, submit to Congress recommended amounts of rescissions of budget authority for Government programs and agencies on that list.

AMENDMENT NO. 207, AS MODIFIED

Ms. LANDRIEU. Madam President, I ask unanimous consent that Senator SANDERS' amendment No. 207 now be modified with the changes at the desk.

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

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) Social Security is the most successful and reliable social program in our Nation's history.

(2) For 75 years, through good times and bad, Social Security has reliably kept millions of senior citizens, individuals with disabilities, and children out of poverty.

(3) Before President Franklin Roosevelt signed the Social Security Act into law on August 14, 1935, approximately half of the senior citizens in the United States lived in poverty; less than 10 percent of seniors live in poverty today.

(4) Social Security has succeeded in protecting working Americans and their families from devastating drops in household income due to lost wages resulting from retirement, disability, or the death of a spouse or parent.

(5) More than 53,000,000 Americans receive Social Security benefits, including 36,500,000 retirees and their spouses, 9,200,000 veterans, 8,200,000 disabled individuals and their spouses, 4,500,000 surviving spouses of deceased workers, and 4,300,000 dependent children.

(6) According to the Social Security Administration, the Social Security Trust Funds currently maintain a $2,600,000,000,000 surplus that is project to grow to $4,200,000,000,000 by 2023.

(7) According to the Social Security Administration, even if no changes are made to the Social Security program, full benefits will be available to every recipient until 2037, with enough funding remaining after that date to pay about 78 percent of promised benefits.

(8) According to the Social Security Administration, ''money flowing into the [Social Security] trust funds is invested in U.S. Government securities . . . the investments held by the trust funds are backed by the full faith and credit of the U.S. Government. The Government has always repaid Social Security, with interest.''.

(9) Social Security provides the majority of income for two-thirds of the elderly population in the United States, with approximately one-third of elderly individuals receiving nearly all of their income from Social Security.

(10) Overall, Social Security benefits for retirees currently average a modest $14,000 a year, with the average for women receiving benefits being less than $12,000 per year.

(11) Nearly 1 out of every 4 adult Social Security beneficiaries has served in the United States military.

(12) Proposals to privatize the Social Security program would jeopardize the security of millions of Americans by subjecting them to the ups-and-downs of the volatile stock market as the source of their retirement benefits.

(13) Social Security is a promise that this Nation cannot afford to break.

(b) PROTECTION OF SOCIAL SECURITY BENEFITS.—It is the sense of the Senate that, as part of any legislation to reduce the Federal deficit—

(1) Social Security benefits for current and future beneficiaries should not be cut; and

(2) the Social Security program should not be privatized.

Ms. LANDRIEU. Madam President, I ask unanimous consent that any time spent in a quorum call prior to the votes at 4 p.m. be equally divided.

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

Ms. LANDRIEU. Madam President, I yield the floor, and I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

THE BUDGET

Mr. SANDERS. Madam President, we are at a unique and enormously important moment in American history. The decisions that will be made by the Congress and the President in the coming days, weeks, and months, will in many ways determine how we go forward as a nation and will impact the lives of virtually every one of our 300-plus million citizens.

The reality today, as I think most Americans know, is that within our economy we have a middle class which is collapsing. In the last 10 years, median family income has declined by $2,500. Millions of American workers are working longer hours for lower wages. If you look at real unemployment rather than the official unemployment, we are talking about 16 percent of our people unemployed or underemployed. Numbers may be even higher for certain blue collar workers and for young workers. The middle class is in very dire straits.

Poverty in America is increasing. Since 2000, nearly 12 million Americans have slipped out of the middle class and into poverty. As a nation we have 50 million Americans today who have no health insurance and that number has increased. In recent years we have the highest rate of child poverty of any major country on Earth. We are deindustrializing at a rapid rate. In the last 10 years we have lost 50,000 of our largest manufacturing plants as many of our largest corporations have decided it is more profitable to do business in China and other low-wage countries rather than invest in America.

That is one reality. Then there is another reality that we don't talk about too much. It is while the middle class disappears and poverty increases, people on the top are doing phenomenally well. Today, about 1 percent of top income earners earn about 23 percent of all income. That is more than the bottom 50 percent—the top 1 percent earn more income than the bottom 50 percent and the gap between the very rich and everybody else is growing wider.

Not widely discussed but true, in America today the wealthiest 400 families own more wealth than the bottom 150 million Americans—400 families, 150 million Americans. That is an unbelievable gap in terms of wealth, between a handful of families and the vast majority of the American people. That gap is growing wider.

In 2007, the wealthiest 1 percent took in 23.5 percent of all the income earned in the United States; the top 0.1 percent took in 11 percent of total income. The percentage of income going to the top 1 percent has nearly tripled since the 1970s, and between 1980 and 2005, 80 percent of all new income generated in this country went to the top 1 percent.

We are living in a society where the very wealthiest people are becoming wealthier; the middle class is disappearing; poverty is increasing. That takes us to the budget situation our Republican friends are pushing.

At a time when the richest people are becoming richer, what the Republicans say is the answer is let us give millionaires and billionaires even more in tax breaks. At a time when the middle class is in decline, poverty is increasing, what our Republicans are saying is let us attack virtually every significant program that improves lives for low-income or moderate-income people. The rich get richer, they get more. The middle class gets poorer, they get less. Maybe that sense of morality makes sense to some people. It does not make sense to this Senator and I do not believe it makes sense to the vast majority of the American people.

Our Republican friends outlined their immediate budget proposals for 2011, for the CR, in their bill H.R. 1. Let me briefly review it because I want everybody in America to understand what these folks want to see happen and it is

important that we discuss it. Fifty million Americans have no health insurance today. The Republican solution is slash $1.3 billion for community health care centers that provide primary health care to 11 million patients.

What happens when you are sick, you have no insurance, you don't have any money, you can't go to a doctor—what happens? Perhaps you die, perhaps you suffer, perhaps you are lucky enough to get into a hospital. We spend huge sums of money treating you when you could have been treated a lot more cost effectively through a community health center.

Today, in my office and I suspect in your office, people will tell you that it takes too long for them to get their claims from the Social Security Administration, the disability claims—the waiting line is too long. The Republican solution is slash $1.7 billion from the Social Security Administration, making seniors and the disabled wait even longer. Everybody in America knows how hard it is for a middle-class family to send their kids to college. The most significant Federal programs, such as the Pell grant program, make it easier for low and moderate-income families to afford college. The Republican solution is slash $5.7 billion from Pell grants which means that over 9 million American students will lose some or all of their Pell grants. Many of them will not be able to go to college.

Everybody, every working family in America, knows how hard it is today to find quality, affordable childcare. In most American middle-class families the husband works, the wife works—they want to know their kids are in a safe, good-quality childcare center. For decades now, Head Start has done an excellent job in providing quality early childhood education for low-income kids. In the midst of that childcare crisis, the Republican solution is slash Head Start by 20 percent, throw 218,000 children off of Head Start, lay off 55,000 Head Start instructors.

On and on it goes. In my State it gets cold in the winter, 20 below zero. Many seniors living on Social Security cannot afford the escalating costs of home heating oil. The Republican solution: Slash $400 million in funding for LIHEAP, making it harder for seniors and other low-income people to stay warm in the wintertime.

What we should be very clear about as we discuss the budget is the Republican proposals for the continuing resolution for the remainder of fiscal year 2011 are only the first step in their long-term plan for America. Yesterday what we saw is the real vision of the Republican Party, for where they want to take this country into the future. While I applaud them for being straightforward about that vision, I think the more the American people take a hard look at where they want this country to go, the more outraged will be millions and millions of citizens as they understand the Republican proposal for the future.

Right now, if you are a senior citizen and you get sick and you need to go to the hospital, you have a health insurance program called Medicare, which has been lifesaving for millions of seniors. The Republican budget as outlined by Congressman RYAN yesterday essentially ends Medicare as we know it and converts it into a voucher-type program that will leave seniors paying out of pocket for many lifesaving health care costs.

In other words, if you end up, at the age of 75, with cancer or another illness, what the Republican proposal does is give a voucher to a private insurance company—$6,000, $8,000, we are not exactly sure—and after that, good luck, you are on your own. You have an income of $15,000, you have cancer, how are you going to pay for that? The Republicans say there will be a voucher, ending Medicare as we know it right now.

The Republican proposal would force seniors to pay $3,500 more for prescription drugs. The proposal would reopen the prescription drug doughnut hole, requiring that seniors pay full price for prescription drugs. At a time when so many of our people have no health insurance, the Republican budget contains $1.4 trillion in Medicaid cuts over 10 years by turning it into a block grant program. We are now reading in various States that have budget problems that their solution to the budget problems is simply to throw people off of Medicaid, including children. What happens if you have no health insurance and you get sick?

We are beginning to talk about death panels. That is what we are talking about. If you are sick, you have no health insurance, what do you do? My guess—we have options—you die, you get sicker, you suffer in ways that you did not have to suffer.

The Republican proposal, as outlined by Congressman RYAN yesterday, also includes over $1.6 trillion in cuts over the next decade for education, Pell grants, infrastructure, affordable housing, food stamps, food safety, and other vital programs for the middle class, the elderly, the sick, and the children.

What is also interesting—it is literally beyond belief to me—is while Republicans are slashing programs for low- and middle-income people, what they are also doing—I think people will think I am not serious, but I am—at the same time as the rich are getting richer and they are slashing programs for low- and moderate-income people, the Republican budget plan would significantly lower taxes for millionaires and billionaires.

So we cut Head Start, we cut Pell grants, we cut community health centers, but at the same time we give huge tax breaks for millionaires and billionaires. Furthermore, the Republican proposal would also lower taxes for the largest corporations in this country. My point is, we all do understand that this country has a serious deficit problem and a $14 trillion national debt. I think every Member of the Senate is concerned about the issue and wants to address it.

The question is, Do we move toward a balanced budget on the backs of the weakest, most vulnerable people in our country, on the backs of the poor, the children, the elderly, the disabled? That is one way we can do it or do we ask for shared sacrifice? Do we say to the wealthiest people in the country, do we say to the largest corporations in this country: You are part of America, too, and you have to help us get out of this deficit crisis.

Last week, I issued a list of 10 major corporations—10 major corporations that paid nothing in taxes in recent years, and, in some cases, actually got a rebate from the Federal Government after making huge profits. To my mind, instead of cutting back on Head Start and Pell grants and community health centers—which will have a devastating impact on low- and moderate-income Americans—maybe we might want to ask General Electric, which made $26 billion in profits over the last 5 years and received a $4.1 billion refund from the IRS, maybe we might want to ask them to pay something in taxes.

I think it is a bit absurd that the average middle-class person pays more in Federal income taxes than does General Electric. Maybe we want to change that. Maybe we want to ask Chevron, which made $10 billion in profits in 2009, which got a $19 million dollar refund from the IRS, maybe to pay something in taxes so we can move toward deficit reduction in a way that is fair.

Here is the bottom line: corporate profits are at an alltime high. The richest people in this country are doing phenomenally well. The middle class is in decline. Poverty is increasing. Republican answer: More tax breaks for the very rich, lower corporate taxes, but stick it to working families in a horrendous way, which will cause massive pain.

We are at a fork in the road in terms of public policy. Do we develop public policy which protects all our people, which expands the middle class, or are we at a moment in history which moves this country aggressively toward oligarchy, in which we have a small number of people at the top with incredible wealth and incredible power, while the middle class continues to disappear.

Now is the time, in my view, for working families all over this country to stand and say: Enough is enough. We need shared sacrifice as we go forward. We do not need to see the middle class in this country further disappear.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

AMENDMENT NO. 236

Mr. BAUCUS. Madam President, I rise today to speak to amendment No. 236 to exempt farmers, ranchers, and small businesses from EPA regulation of greenhouse gases.

The science is clear: greenhouse gas pollution is causing climate change. Climate change is here, it is real, it is human caused, and it will hurt our economy and the health of our kids and grandkids.

In Montana we are already seeing the effects. According to Dr. Steve Running at the University of Montana, the duration of the wildlife season in the western United States has increased by 78 days since the 1970s. This trend is driven by earlier snowpack melt and less summer precipitation due to climate change. And this trend costs jobs in Montana's tourism and timber industry.

Climate change also endangers our national security. According to a report recently authored by retired Navy ADM Frank Bowman, ''Even the most moderate predicted trends in climate change will present new national security challenges.'' That is why the Pentagon included climate change among the security threats identified in its Quadrennial Defense Review.

I believe that we all have a moral responsibility to leave this world to our kids and grandkids in better shape than we found it. That means we ought to deal with climate change by reducing our emissions of greenhouse gas pollution. But we must do so in a manner that does not hurt the economic recovery.

Small businesses and agriculture are the drivers of our economic recovery and job creation. Of the 200,000 jobs added in March, over half were created by businesses with 50 or fewer employees. And over 90 percent of the 200,000 jobs created last month were created by businesses with 500 or fewer employees. My amendment ensures that these businesses can continue to add jobs.

My amendment is very simple. It exempts farmers, ranchers, and small businesses from EPA's greenhouse gas pollution regulations.

Under my amendment only about 15,000 of the more than 6 million stationary sources that emit greenhouse gases in the country would be regulated by EPA. These 15,000 sources are large plants run by big corporations. And over 96 percent of these 15,000 sources already have to get permits under the Clean Air Act for emissions of criteria pollutants. Moreover, these 15,000 polluters account for 70 percent of greenhouse gas emissions from stationary sources in the country. So under the Baucus amendment, small businesses would be protected, while the biggest polluters that account for the vast majority of emissions would have to comply with the law.

EPA is going forward with regulations to reduce greenhouse gas pollution. We ought to ensure these regulations preserve our outdoor heritage, protect our children's health, promote our national security, and protect small businesses, farmers, and ranchers. My amendment does just that, and I urge my colleagues to support it.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. PRYOR. I ask unanimous consent to speak as in morning business for 10 minutes.

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

FISCAL CHALLENGES

Mr. PRYOR. Mr. President, we find ourselves in dangerous territory. While Republicans and Democrats continue to point fingers and hold fiery press conferences, a government shutdown is quickly approaching. The blame game is like quicksand: it has the ability to drag down not only the Senate and the House but the entire economy and our country. No matter how one looks at it, a shutdown would be reckless and irresponsible.

We can get this short-term budget problem resolved if all parties would turn off the rhetoric and stop the campaigning. A few extreme partisans stand in the way of progress, blocking a good-faith effort of many others seeking common ground. I ask them to take to heart what it says in the book of Isaiah: Come now, let us reason together.

We need to overcome this budget impasse and live up to the oath we took and to the people we represent. Larger challenges await our attention. It is not in our best interest to see the government shut down. I don't think it is in the best interest of the Nation to continue on this deficit-spending cycle we have been on. We owe it to the American people and the world that is watching us to show American leadership on both our short-term and long-term fiscal challenges.

I would like to see us turn our effort to the blueprint provided by the debt commission. I commend the bipartisan group of Senators who have begun to turn part of this plan into legislation.

We must find ways to reduce spending, address entitlement programs, and reform the Tax Code. Now, with all the momentum and opportunity built up over the last few months, is the time to lead. We must make the serious decisions to get our Nation out of the red so we can be competitive in the future. Again, I say let's turn off the rhetoric and be part of the solution, not part of the problem.

In Washington, the blame game has become par for the course. It has become politics as usual. In fact, it is one thing that people in my State are sick and tired of and one of the reasons why they have lost confidence in the Congress and in our government. Besides that, how in the world does holding press conferences and pointing fingers at others help resolve anything? Besides that, it is not true because the truth is that we are in this fiscal situation we are in today because of decisions all of us have made over the last decades. In fact, I saw yesterday in the paper where Speaker BOEHNER was talking to some of his caucus about getting ready for the shutdown, and there were ovations over there. There are no ovations over here for a government shutdown. We do not want to see it. I am not only talking about Democrats. I don't know of any Republicans in the Senate who want to see a shutdown. In fact, from my standpoint, one of the tests I use when I look at politicians is, the louder they are and the more often they have press conferences to blame other people, that probably means the more they are to blame for the problems we have today.

I certainly hope that as the elections roll around next year, the American people will remember many of the politicians' attempts in Washington to avoid responsibility for this terrible fiscal crisis.

One thing we need to keep in mind is that what we are talking about this week in terms of shutting down the government—and I hope that doesn't happen—is really only important for the next 6 months. We are only talking about for the rest of this fiscal year. The real battle, the more meaningful discussion and debate and fight, even, that we need to have is over long-term fiscal policies. The next 6 months—I don't want to say that is not important, because it is—is a time for us to demonstrate to the American people, to the markets, and to the world that we can come up with political solutions to the very challenging problems we face.

I am also concerned in this fragile economy that if we do shut down the government, that might be something that would shake this economy and actually, possibly, stop it in its tracks. I hope it will not reverse it, but I do have a concern about an abrupt cutoff of government spending, what that might do to the economy.

Our fiscal challenges that the debt commission focused on and many of us have focused on are beyond politics. They are bigger than politics. They are more important than the next election. In fact, they are more important than our own personal political fortunes. This fiscal situation we are in is not about the next election; it is about the next generation.

If we look back at the time that we call the Battle of Britain, one of the things Winston Churchill said that always stuck with me is, ''Never in the field of human conflict was so much owed by so many to so few.'' He was talking about those brave men who flew the airplanes over Great Britain to protect the skies and the British people and to win the war, to stop Nazi Germany from invading and defeating the British Empire.

The ''so few'' we have today are TOM COBURN, DICK DURBIN, MARK WARNER, SAXBY CHAMBLISS, MIKE CRAPO, and KENT CONRAD. Those few have been

meeting for weeks, even months, to try to come up with a comprehensive budget agreement based on the blueprint of the debt commission. These six Senators are not politicians; they are statesmen. They are trying to do what is right for the country. They are trying to do what is in the country's best interest, not their own. I guarantee my colleagues, each one of the six will face tremendous criticism from their own parties and from other quarters about what they are trying to accomplish. To me, that is courage, leadership; that is what being a Senator is all about.

I know right now there are six of them meeting. I know that at some point, once they come out and once they are ready to announce what they want to do, many others will join that effort. But we need to cheer them on and encourage them to finish the hard task they have begun.

I am reminded, when I think about those six sitting in the Capitol and in various rooms around the Capitol, of that phrase in the Declaration of Independence right before our Founding Fathers signed that great document where they say: ''We mutually pledge to each other our lives, our fortunes, and our sacred honor.'' This is our time to put it all on the line. We need to put our political lives on the line, our political fortunes on the line, and our honor. We need to honor the commitment we have made to this country when all 100 of us stood up—in fact, when all 535 of us stood up—and took the oath of office that we were going to do what was right for the country.

I mentioned the Book of Isaiah a few moments ago. I am reminded that many times in the Old Testament, whether in the prophets or Proverbs, we are always encouraged to do right, to do justice, to show mercy. We want to really be upright and true. That is what they call us to do and what they want us to do.

I am also reminded that in the New Testament, when Jesus is talking to the political and religious leadership of his day, he says: Are you so blind?

Are we so blind that we cannot see the forest for the trees, that we can't understand how important it is for this country to get our debt and deficit where it needs to be? Are we so blind that we are not able to see that we need to put everything on the table, that this is a time for great leadership and shared sacrifice, and we all have to give up something to get this done?

It is our time to lead. This may be the greatest challenge of our generation, of any of us who are serving either in the House or Senate right now. This may be our one moment in history for greatness. I sincerely hope we rise to the challenge because I believe the future of the Republic depends on it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHANNS. 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. JOHANNS. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

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

PESTICIDE REGULATION

Mr. JOHANNS. Mr. President, I rise today to talk about another example of an EPA that, I believe, is out of step with American agriculture.

EPA continues to pursue regulations that would require farmers to file for an additional permit if they want to apply pesticides, while just last month EPA Administrator Jackson mentioned ''the critical work that farmers are doing to protect our soil, air, and water resources.'' Yet the EPA continues, I believe, to handcuff our farmers and our ranchers with very stringent new regulations but still expects them to do all they can to feed a hungry world.

Time and time again, farmers have consistently proven to be excellent stewards of the environment. They make their living from the land, and they are very mindful of maintaining and protecting and improving it. I speak from experience. I grew up on a farm.

Unfortunately, we have watched organizations use the courts to twist laws against American agricultural production. A Democratic Congressman from California recently noted that EPA ''often pursues a course of agency activism.'' He points out that EPA is using the settlement of lawsuits to give them jurisdiction over issues that may not be allowed under existing law.

More and more we are seeing important policy decisions that impact agriculture arise not from the legislative process, where it should arise from, but from the litigation process where a lawsuit settlement results in policy decisions being made.

In January 2009 a court overturned the normal practice of allowing farmers to apply pesticides as long as they complied with labeling requirements under the Federal Insecticide, Fungicide, and Rodenticide Act, which is known as FIFRA.

The Sixth Circuit Court ruled that EPA doubly regulate pesticide applications under FIFRA and the Clean Water Act. Well, at least 25 Senate and House Members, including myself, supported an amicus brief urging review of the court's very ill-advised decision. But, instead, the Obama administration chose to wave the white flag, ignoring the science and caving to activists. They urged the Supreme Court not to hear the case and to let the ruling stand.

For years EPA managed pesticide permitting within established environmental and safety requirements. Yet the administration refused to defend what was a very established, long-standing approach. The EPA asked for a 2-year delay to write the permit and set up a compliance regime. They moved forward with onerous permitting requirements for our producers that will provide no environmental gain. This would subject the pesticide applicators to new and duplicative requirements—a distinct shift in how the EPA regulates pesticides. It created a whole new world. This additional permitting is now inefficient, it is unnecessary, and I would argue it is inappropriate for agriculture.

EPA's permitting requirements also present a challenge to local public health officials who work to control mosquitoes and prevent the spread of disease. The American Mosquito Control Association estimates that complying with the additional regulation could cost each pesticide user at least $200,000 and potentially $600,000 in California alone. The dual permit requirement may reduce the availability of pesticides proven to control mosquito populations. Thus, the ability of public health officials to control mosquitoes and the spread of disease will be hindered.

We all know bugs and weeds won't wait on another additional permit from EPA, and I surely don't think farmers and public officials should have to go through this additional process. Last week, the House of Representatives passed the Reducing Regulatory Burdens Act—H.R. 872. It passed with overwhelming support. I am very pleased to report it was a bipartisan vote of 292 to 130. Democratic Congressman COLLIN PETERSON, with whom I worked when I was Secretary of Agriculture and whom I have a lot of respect for, said this:

> It was never the intent of Congress to burden producers with additional permit requirements that would have little to no environmental benefit.

I could not agree more with the former chair of the House Agriculture Committee. But he is not alone. Fifty-seven of his Democratic colleagues supported this bipartisan legislation to set the record straight and send a clear message to the EPA.

Here in the Senate, I am a cosponsor of a similar bill Senator ROBERTS introduced this week. I am pleased to stand here today and support his bill. Both of these bills are designed to eliminate this burdensome, costly, redundant permit requirement for pesticide applications. I commend his efforts here. He is trying to do something to solve this problem while protecting farmers and ranchers from additional regulation, but also very mindful of our environment.

I urge the majority leader to act quickly on the legislation to address the EPA's redundant and costly double-permitting requirements. We can address this in the Senate. If we don't find a solution, our producers will continue being told how to operate in a very difficult environment. Our producers already deal with the uncertainty of Mother Nature. We should

not infuse even more uncertainty into their lives in the form of these regulations that duplicate with no discernible benefit.

President Obama recently promised to eliminate programs that duplicate each other. In fact, he issued an Executive order calling for a government-wide review to identify programs that either duplicated or, as he said at the time, were just plain dumb. I submit to my colleagues that this pesticide double regulation is unnecessary and as dumb as it gets.

We should support our farmers and ranchers as they produce safe, affordable food. They are working to protect the land. American agriculture can continue to feed the world, and our farmers will continue to care for the land, unless we set up unnecessary roadblocks.

This redundant pesticide permitting requirement is another example of overreach. I hope the Senate will follow the example of the House which voted resoundingly in a very bipartisan way to correct this situation. We cannot afford to delay, with the compliance date right around the corner. It is a deadline we simply cannot ignore.

Mr. President, thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 183

Mrs. MURRAY. Mr. President, I come to the floor today to express my strong opposition to any attempt to prevent the Environmental Protection Agency from doing its job and protecting our families and our environment. The amendments being considered here in the Senate would hurt our environment and harm our national security by increasing our dependence on foreign oil. They would devastate our public health efforts, and take us in the wrong direction as we fight to compete and win and create jobs in the 21st century clean energy economy.

The positions of leading scientists and doctors and public health experts are clear. Global climate change is real, it is harmful, and it has to be addressed. Rolling back EPA's standards would be devastating to the health of our families, and especially our children. These are settled issues in the scientific world. We shouldn't be spending time debating them over and over on the Senate floor.

By the way, with the price of oil spiking and families paying more and more at the pump, we ought to be focused on ways to move our country away from our dependence on foreign oil. These amendments would do exactly the opposite. They will disrupt efficiency standards that sacrifice billions of gallons of fuel savings and increasing our foreign imports. They will derail the cooperative efforts of automakers and autoworkers and EPA and States to develop these unified, national standards that provide certainty for businesses to invest in new technologies. Frankly, they would be harmful to our national security. Every dollar we spend overseas to pay for oil is more money in the pockets of countries that are too often far from friendly to our national security interests, and that doesn't make any sense to me.

But this debate isn't just about health and the environment, and it is not just about our national security dependence on foreign oil. It is also about jobs and the economy, which is exactly what we ought to be focused on right now.

We are currently working on legislation on the floor to help small business owners to innovate and grow, to give them the resources they need so they can expand and add jobs and compete in a global economy. These amendments being considered to that bill will move our country in the opposite direction.

First of all, they are going to cause massive uncertainty and upheaval for clean energy companies such as the McKinstry Company in my home State of Washington that is working right now to create jobs and grow and create a clean energy economy. If the rules of the game keep changing, businesses are never going to have the confidence they need to invest and add workers.

Second of all, we all know America needs to move quickly into the 21st century clean energy economy. Other countries such as China and India are pouring resources into investments that are creating jobs and building infrastructure. We need to make sure we position ourselves to compete and win in this critical sector.

That is why instead of harmful legislation and amendments that would take us in the wrong direction—instead of doing that—we should be talking about policies that reduce our dependence on foreign oil, support our national security objectives, and unshackle our economy, so we can tap the creative energy of our Nation's workers and support good family wage jobs, and make sure our workers continue leading the way in this 21st century economy. That is the direction our country needs to be moving—toward a healthy and clean environment and toward the clean energy jobs of the future. We can't bury our heads in the sand and expect our energy and our environmental problems to somehow disappear.

The longer we put off dealing with these issues, the more it is going to cost us in the future, and that is exactly what the amendments on the floor today will do. They are bad for the environment, they are bad for the economy, and they are dangerous to our family's health.

The science on these issues is very clear and it is something the people in my home State of Washington take very seriously. Because when families across America go outside for some fresh air or turn on their tap and hope to have a clean glass of water, they expect these resources to be just that: clean.

Once again, I strongly oppose any attempt to take away the EPA's ability to do their job, and I hope we can work together to find real solutions to the critical problems that face our country.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. 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. BARRASSO. Mr. President, today the President is heading to Philadelphia to talk about energy. Well, the President talks a good game but, unlike energy, talk is cheap.

The President plans to host a townhall meeting about his new energy policy. I think it is time the rhetoric face the reality of what the country is seeing, experiencing, and dealing with. If the President truly wants to get a handle on energy costs, he needs to start by immediately stopping his Environmental Protection Agency from attempting to enact backdoor cap-and-trade regulation.

That is exactly what the EPA is doing. The only effect that can have is to increase energy costs on American families. The President himself admitted as much in 2008. At that time, in an interview with a San Francisco newspaper, he said: ''Under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket.''

Is the President serious about decreasing U.S. dependency on foreign oil? If so, he should then rescind his veto threat against today's congressional legislation regarding the policies of the EPA.

That is why I am here in support of the McConnell amendment. The McConnell amendment keeps energy prices low. It prevents the EPA from blocking the development of domestic energy. It restores the Clean Air Act to its original congressional intent. I support the McConnell commonsense amendment.

Most likely, today we will hear more of the same from the President in his speech and townhall meeting in Philadelphia, and more of the same is the last thing the American people need right now. American families are facing increasing gas prices. Our national security is being jeopardized by dependence on foreign sources of energy. Unrest in the Middle East and North Africa is driving high prices even higher.

The Department of Energy has made an estimate that families all across this country will spend $700 more on gasoline this year than they did last year. Meanwhile, the President will most likely deliver another speech with great goals but limited action.

With gasoline at over $3.50 a gallon, the President fails to appreciate the effect his administration's policies have on families with bills, with kids, and with mortgages to pay.

In 2008, President Obama, then a candidate for President, said that the problem wasn't that gas prices were too high but that they had risen too fast. In his words, he said he ''would have preferred a more gradual adjustment.'' This may explain why the President spent his first 2 years in the White House undermining and abandoning an all-of-the-above approach to energy. It is no wonder that he is now trying to cast blame on those who are offering a responsible alternative.

The President says he wants to cut our imports of foreign oil by a third by 2025. Well, to me, he doesn't appear to have the right vision or political will to get there. The United States has the most combined energy resources on Earth, but when faced with new sources of U.S. energy, the administration's automatic response has been to regulate, delay, or to shut down.

The President's ''say one thing, do another'' policy is making the pain at the pump even worse. His approach is long on making promises, short on taking responsibility. He talks of his concern for the people affected by the gulf oilspill. Yet his drilling shutdown in the Gulf of Mexico killed their jobs and strangles energy production even today. U.S. offshore oil production is expected to drop 15 percent this year thanks to the policies of this administration.

The President's claim that blaming his administration for ''shutting down oil production''—he says it doesn't track with reality. But I will tell you that the administration's stalling on gulf oil and gas drilling permits is so antibusiness that even former President Bill Clinton called it ''ridiculous.'' Even as the President says he wants to cut oil imports, he told an audience in Brazil a week or two ago that he wants the United States to become ''one of Brazil's best customers'' for oil. He said he would expedite new drilling permits. He claims oil companies are ''sitting on supplies of American energy just waiting to be tapped.'' But the biggest thing standing in the way is redtape from his own Interior Department and EPA. While ''use it or lose it'' makes for a nice sound bite, it ignores the reality that the Obama administration's own policies are the most significant roadblock we have to drilling and exploring for American energy.

The President also claims to support alternative fuels. Yet he didn't once mention converting coal into fuel or tapping oil shale. Oil shale production could produce an estimated 800 billion barrels of recoverable oil. That is three times the amount of Saudi Arabia's oil reserves.

The way we can address our economic and national security needs is by producing more American energy. We can't afford to pick and choose our energy at a time of uncertainty. We do need it all. This means allowing more U.S. exploration and lifting the burdensome regulations that make it harder for Americans to produce more energy.

Renewable energy is part of it, it is important, but there is no way green energy and green jobs can replace the red, white, and blue energy and jobs that have continued to power our country for over a century. Until the administration acknowledges this, the administration's policies will continue to make the pain at the pump even worse. That is why I urge the Members of this body to adopt the McConnell amendment.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise in strong opposition to the McConnell amendment. I listened to my distinguished colleague from Wyoming, and I enjoy working with him, but this is one subject on which we fundamentally disagree.

This isn't about energy production; this is about clean air. This amendment is a blatant attack on the Clean Air Act, and, from my perspective in New Jersey, any attack on the Clean Air Act is an attack on New Jersey.

Primarily because of dirty, old, out-of-State coal plants, every county in New Jersey is noncompliant with the Clean Air Act—not by what we do but what other States do. One of those coal powerplants is the aging Portland Generating Station, located just across the Delaware River. This plant emitted 30,000 tons of sulfur dioxide in 2009. That is almost three times the amount of all seven of New Jersey's coal plants combined. So we have cleaned up our act. Others need to do it for the collective air we breathe as Americans. Its pollutants waft across the Delaware River into numerous New Jersey counties, causing and exacerbating a whole host of respiratory illnesses, from asthma to heart disease. If not for the Clean Air Act, my State or any other State similarly situated would not have been able to petition the Federal Government to stop the pollution this Pennsylvania plant spews into New Jersey's air.

Just last week, New Jerseyans received some good news. Under the authority of the Clean Air Act, the Federal Government proposed a rule that would grant my State's petition. If finalized in coming months, the rule would lead to an over 80 percent reduction in the Portland coal plant's sickening sulfur dioxide emissions. If not for the Clean Air Act, my State would not have this victory within its grasp. It wouldn't have the opportunity to protect its citizens. We simply cannot gut the one piece of Federal legislation that protects the air we breathe.

Imagine having to tell your children they cannot go outside to play because the wind is not blowing quite the right way, because the air they will breathe will damage their lungs. The McCloskeys from Delran, NJ, don't have to imagine that scenario; they know it. Let me tell you about Erin McCloskey. On poor air quality days in the summer, their daughter Erin could not even make it to the family car, much less go outside and play, without starting to wheeze. Family activity began to revolve around trips to the doctor, treatments, and stays at the hospital. It was a severe economic hardship on the family not just because of costs but also because all of these trips made it difficult for Erin's mother Natalie to hold down a job.

The McCloskeys are not alone. Four-year-old Christian Aquino, from Camden, NJ, suffers from severe asthma. He takes six different medications a day to control asthma attacks, but still his mother, Iris Valerio, lives with the constant fear that an attack is around the corner. On bad air days, they avoid going outside, and when on the highway in traffic, the windows are kept closed.

Fourteen-year-old Samaad Bethea, of Elizabeth, NJ, also suffers from severe asthma. He has been on daily steroid medication to control his asthma for 3 years. If he skips a day, his lungs start to falter and he can't catch his breath. His mother Sharon realized that pollution in their old neighborhood was triggering attacks and had an opportunity to move the family. Since that move, Samaad has been doing much better, but he still requires daily steroid medication.

These children are part of a sobering national reality, a New Jersey reality. Their days revolve around inhalers, steroids, and constant anxiety over when air pollution will trigger another severe asthma attack.

According to the National Centers for Disease Control and Prevention, each year over 10,000 New Jerseyans are hospitalized due to asthma attacks triggered by air quality problems. Thousands of sick days are taken each day in New Jersey by either asthmatics or parents of asthmatics, with huge consequences for the New Jersey economy. Asthma attacks triggered by air pollution cause scores of premature deaths in my State each year.

Erin McCloskey, Christian Aquino, and Samaad Bethea bring these statistics to life. While the causes of their asthma are many, air pollution is a common trigger. The Clean Air Act directly impacts their health, their quality of life, and even the ability of their parents to get or keep a job. For them and for thousands of children like them, weakening the Clean Air Act will mean more days sequestered in their homes and more emergency room visits.

The McConnell amendment—the one I call the dirty air amendment—is the first of many amendments we can expect to see that are aimed at preventing the Federal Government from regulating polluters under the Clean Air Act.

Caring about children's health means not allowing polluters to place profits ahead of people, ahead of the well-being of our children—and I mean all children, no matter their race, ethnicity, or class. Low-income and minority Americans continue to be disproportionately exposed to pollution that is harmful to their health. A recent analysis showed, for example, that two-thirds of U.S. Latinos—about 25.6 million Americans—live in areas that do not meet the air quality standards under the Clean Air Act. Perhaps this begins to explain why Hispanic Americans are three times more likely than Whites to die from asthma attacks, why Latino children are 60 percent more likely than Whites to have asthma.

Low-income and minority Americans will also be disproportionately affected by the impacts of climate change. Let's be clear. The scientific consensus is overwhelming. Climate change will increasingly create more frequent and more extreme storms, more violent and sustained heat waves, meaning more costly and dangerous floods and droughts. Hotter summer days will mean more ozone formation and more bad air quality days. In this way, climate change directly endangers all of us, our children, and our children's children. But changes in weather patterns and increasingly extreme weather events also result in indirect effects. The security of our food supply will be at risk due to more frequent heat stress. The security of water supplies will be at risk due to droughts.

For all of these reasons, scientists agree that climate pollution endangers public health and welfare. That is well understood, and we can curtail these risks by regulating climate pollution. But, no, big polluters want to kick the can down the road. They want to pretend they aren't polluting. Big polluters want to pretend these risks aren't real. They want the McConnell amendment to pass so they can continue business as usual.

This is not about energy because if the New Jersey coal-fired plants ultimately reduced their emissions by 80 percent, it is a question of an investment. They are still producing energy. There are 9.3 million people in the State. They are producing energy, but the reality is that they are doing it in a cleaner way. That is what this issue is about.

We must not allow polluters to set our priorities. How many children in New Jersey or in other parts of the country face the reality of dirty air? How many children are we willing to have deathly ill in order to allow polluters to continue to spew toxins into the air we collectively breathe? Doing so risks not only our health and that of future generations, it risks the promise of a green economy built on clean energy jobs, energy-efficiency innovations, and reduced waste and pollution.

I urge my colleagues to stop the effort to gut the Clean Air Act and to defeat this amendment. Let's make sure we bequeath to future generations the ability to have air that, ultimately, we can collectively breathe, that doesn't sicken our families and undermine our collective health.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BOOZMAN. Mr. President, I rise to express my strong support for the McConnell amendment. This amendment prevents EPA from continuing to reach beyond Congress's clear intent under the Clean Air Act.

Congress did not authorize greenhouse gas regulation under the Clean Air Act. This amendment is an appropriate response to clarify the law that is being misinterpreted. The EPA should not be making policy decisions beyond the authority clearly granted to the Agency by Congress.

Let us remember, last year, Congress rejected the cap-and-trade agenda on a bipartisan basis. The EPA's agenda is a job-destroying agenda. It will raise the price of energy, food, and gasoline. The cost of this policy will be transferred to the people of Arkansas and all Americans every time they shop at the store.

The EPA's agenda will not lead to a cleaner environment. American manufacturing will be hurt, and our manufacturing capacity will be replaced by foreign competitors with weak environmental standards. This amendment will allow individual States to keep existing policies in place by permitting them to regulate emissions as they see fit.

This amendment also enables the EPA to focus on the important purposes of the Clean Air Act, which I strongly support. The Clean Air Act must be used to protect the public from harmful pollution. The Clean Air Act was not intended to address climate change concerns.

Finally, let me address a myth we keep hearing. Some have stated the Supreme Court is forcing the EPA to take this heavy-handed, backdoor, cap-and-tax approach. This is wrong. The Supreme Court stated that the EPA can decide whether greenhouse gases endanger public health and welfare. Many Senators believe the Supreme Court's interpretation of the law is wrong. Yet EPA made a political decision based on the Court's ruling to expand their jurisdiction far beyond what Congress intended. This amendment will correct that action.

Others have stated this amendment would permanently eliminate the EPA's authority to regulate greenhouse gases. This is also wrong. No policy is permanent unless it is part of our Constitution, and even the Constitution can be amended. We can enact this amendment and still have a debate in this body about needed policy changes in the future.

Finally, let me quickly address some of the alternatives to this amendment that are being suggested. Some of my colleagues have suggested delaying the EPA's actions by 2 years. Others have suggested that one sector of the economy or another should be exempted from EPA's unnecessary and burdensome rules.

I would suggest these proposals do not provide the cover some Senators want. Bad policy is bad policy whether carried out this year or 2 years from now. Our job creators need certainty. Restraining the EPA for 2 years will not provide the certainty they need to invest and create more jobs. Exempting one sector of the economy is also not enough. There is no excuse for protecting just one sector while watching Americans in other sectors lose their jobs to foreign competitors.

At the moment, our priority must be job creation, protecting our industrial and manufacturing sectors, and keeping gas and food prices low. We must make sure the EPA avoids politically driven initiatives and becomes focused on its core mission: protecting air and water quality and preventing exposure to toxic contamination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. FRANKEN. I thank the Chair.

(The remarks of Mr. FRANKEN pertaining to the submission of S. Res. 133 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I wish to speak for a few moments on behalf of the McConnell-Inhofe amendment. I thank them for their leadership in dealing with governmental regulation of carbon dioxide and other greenhouse gases, amendment No. 183. I want to share a few thoughts about a matter that is important to me. I served several years as ranking Republican on the Judiciary Committee. I am interested in our legal system and how it works. I have to say that the Supreme Court ruling that resulted in the situation we are in today is a classic example of how unelected officials—not just judges—can make laws and regulations in a manner that is dramatically contrary to the ideals of the American Founders, and in a manner that is contrary to the ideals on which this country was founded, ideals that require accountability, that require responsibility and that allow the American people to hold their officials responsible and accountable for what they do.

For this reason alone I believe the McConnell-Inhofe amendment should be agreed to, because we are talking about a situation in which unelected

governmental employees are systematically going about regulating emission of CO_2 in the country under a very attenuated theory. They were never given the explicit authority to do so.

They will, under the power they have asserted, have the ability to regulate your automobile, the heating unit in your home, hospitals, businesses, cities, and anything else that utilizes carbon fuels to produce energy. This is what it is all about.

How did it happen? What occurred here? Well over forty years ago, Congress passed the first Clean Air Act, and since then, Congress has amended the Act several times. Congress was focused on cleaning up the air and dealing with smog, particulates, nitrogen dioxide, sulfur dioxide—all of these pollutants were being emitted into our atmosphere and were affecting the health and well-being of Americans, particularly in cities, and Congress took action to contain that, and it has helped produce a much cleaner environment. Pollution was far worse 40 years ago than it is today. Our atmosphere has far fewer dangerous pollutants in it and, in that regard, the Clean Air Act has been very successful.

But since this Earth was created we have had a marvelous balance. Human beings and animals breathe in air. They take in oxygen out of that air and they breathe out carbon dioxide. Carbon dioxide is not a pollutant. We have never considered it to be a pollutant. Plants, as you know from your basic high school classes, take in carbon dioxide and emit oxygen as part of a life cycle process that is marvelous and wonderful beyond our ability to express.

Over the course of centuries and millennia, plants in the world took in carbon dioxide and, eventually, were buried in the earth. As a result, the carbon dioxide in those plants was trapped underground and developed into coal, oil, and other fuels. In recent years we have been taking those fuels out of the ground and burning it and, as a result, releasing the carbon dioxide.

When the Clean Air Act was passed, there was no discussion or thought about any potential danger of a warming planet. Congress did not have the slightest idea at that time that thousands of bureaucrats would be able to one day take the Clean Air Act that they passed and control every home, every business, every city, every car, and every hospital in America.

What happened? The concern over global warming arose. Whatever people believe about that, the concern certainly is out there. Many people believe it is a serious threat. Others think it is not so serious. But at any rate, a lawsuit was filed. That is what we have so much of in this country. People file lawsuits, especially on environmental issues. They said: The planet is warming, and one reason it is warming is because there is a global warming gas, CO_2, that is being emitted more today, and this is a danger to us and we believe it is a pollutant now. So, they would call CO_2, which naturally occurs in our atmosphere and is used by plants and vegetation, a pollutant because the planet is warming. What do you say, Supreme Court? The Court responds: We say it is a pollutant, and the EPA should be allowed to regulate it. By a 5-to-4 decision, the Supreme Court seems to say, but not with much clarity, that EPA should look at regulating CO_2 because that is what they said the Clean Air Act meant to allow.

First of all, I don't think the statute meant that. I agree with the four judges who dissented. I believe Congress never had any intent whatsoever to give EPA the ability to control the emission of CO_2 all over America. I have no doubt of that. It is not in the statute in a way that would clearly enable the Supreme Court to say that. I suspect it was a product of activism. Judges got excited about the claim several years ago regarding the danger of CO_2 and global warming. Never mind that there seems to be actually less concern today about global warming. In any event, those judges wanted to see CO_2 regulated and they interpreted the statute in a manner that would allow for it. Now the Environmental Protection Agency is setting about to do so. It is a major intervention by the U.S. Government in every aspect of American life.

EPA regulation of carbon dioxide has the potential to drive up costs for individual Americans as they heat their homes and drive their cars and will place a real burden economically on the American economy. It will put us in a bad situation economically.

So the McConnell-Inhofe amendment says: Wait a minute. Congress did not approve that. We do not want to do that yet. We do not want EPA regulating CO_2 all over the country unless we direct them to do so—unless we, the elected representatives, decide it ought to be done. This important decision should not be made by five out of the nine members of the Supreme Court with lifetime appointments, totally unaccountable to the American people, or tens of thousands of governmental employees—public servants, bureaucrats—in the Environmental Protection Agency. They do not get to do it either.

It is our responsibility. If we are going to impose a massive regulatory burden on every American in this Nation, this Congress ought to decide when and how and under what circumstances it should be done. We have people in this Congress and in this government who act like Congress has no control over it. They think: The Supreme Court rules, and EPA issues its regulations.

Well, why do you not do something about it? They say: Oh, that just happens. We do not have any responsibility. It is not our responsibility. Do not blame me. You do not like it. Well, it was not my fault. I did not pass the Clean Air Act over 40 years ago. I was not on the Supreme Court. I am not an EPA bureaucrat.

But we are the United States Congress, and we are accountable to the American people. It is a question of constitutionalism. It is a question of separation of powers. This a question of responsibility. If we were to decide that the emission of CO_2 is a significant danger to our environment and it ought to be regulated, let's vote to say so.

At this point in time, we are not able financially and there is not enough scientific evidence or justification for going forward with the regulation of CO_2. And I am constrained to believe massive regulation is not the appropriate thing to do today—but that is a decision Congress ought to make.

We ought to be held accountable for the decisions we make. That is the way our country was set up to conduct issues of importance. I have to tell you, this is a big issue that is before the Senate. We should have tremendous debate, weeks of debate, because federal regulation of these kinds of emissions could result in hundreds of billions of dollars in cost—or even trillions of dollars in cost, if we set about to regulate all CO_2 in America. It just is.

I do not see how it can be disputed. Unfortunately, we act like we are washing our hands of it. The Supreme Court did not make a policy decision that this was the right thing to do. That is not their role. In fact, they will deny that is what they did. They would say: All we did was take a statute passed long ago, before global warming was even considered an issue to be confronted by the Congress, and decided that the statute Congress passed then allows EPA to regulate CO_2 now. And because of five justices, an unelected group of American employees are setting about to regulate carbon dioxide and other greenhouse gases. We do not need to do that.

The American people should not allow this to happen. They should demand that their Congress be responsible for what it does when it imposes such a monumental cost on the economy and the American people. That is our responsibility. The McConnell-Inhofe Amendment before the Senate today faces up to that squarely. It says we are not going to allow this circuitous route of interpretation of statutes to result in one of the most massive governmental intrusions in American life to occur. It ought to be a matter of intense public debate and national discussion before such a thing happens.

I salute my colleagues for offering their amendment. I urge my colleagues to support it.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 215

Mr. ROCKEFELLER. Mr. President, we are going to be voting this afternoon on a number of EPA amendments, one of which is mine, which calls for a short 2-year waiting period but does not shut down in any way the EPA, particularly on CAFE standards.

So I have two messages: One is that I hope but doubt—but nevertheless hope—people will vote for my amendment. As of last December, I would have gotten every Republican vote, but when they broke away from the omnibus reconciliation agreement those votes all went out the window. I think they will all vote for the McConnell amendment, which I think is a mistake. So let me explain.

First of all, I am very opposed to the McConnell amendment. I think it is foolish. It overreaches. It is briefly satisfying and devastating on a long-term basis. A case in point: It undermines the ability—because it obliterates the EPA—to set CAFE standards. Too few people in this body understand that 31 percent of all carbon emissions come out of the rear end of trucks and cars and other vehicles and that the right and the power and the science to set CAFE standards is an incredibly—incredibly—important mission of the EPA.

Under the McConnell amendment, that, along with everything else EPA does, is out the window on a permanent basis. It is goodbye EPA forever. That strikes me as not a mature approach to legislation.

I understand the frustration. We have that in West Virginia. The EPA does not understand necessarily the nuances of economic situations, that there is a more exacting way to present legislation. So I call for a 2-year timeout period, but I do not abolish EPA. I just say for a period of 2 years they should not do regulations on power stations, manufacturing plants, or oil refineries. That strikes me as not being fatal; it strikes me as something that could become law.

The most important point I can say about the McConnell amendment—I just pray this sinks in; it will not, but I pray that it will—there is not one chance in 10 trillion that the McConnell amendment will become law. It will not happen. He shuts the EPA down permanently, in all respects, forever. It will never happen. I doubt it will pass the Senate. It will certainly not pass at any other level where it counts.

So why do they do that? They do that because it does not solve the problem; it makes a point. It makes people feel good because they are mad, but, in fact, it does great destruction to our future. It does not solve a problem, and I am here to solve problems.

What I think we do need is a timeout just to stop the imposition of EPA regulations that do not allow for development of clean technologies—and that would hurt the economy at a very critical point in our still slowly moving recovery—but to do it in a way that keeps us all focused and working on a long-term energy policy.

Yes, we have had problems with the EPA in West Virginia, but the answer is not to get rid of the agency forever. It is just incomprehensible to me that mature people could actually be for that, vote for that, espouse that, but they have.

As of last December, when we were doing the Omnibus appropriations bill, every Republican had agreed more or less to vote for my bill—just a 2-year timeout which should not affect CAFE standards. Then all of a sudden nine Republicans defected. The election had already been held. The House was about to go into Republican hands. Once they defected, then everything crashed down. All of the votes I would have gotten from the Republican Party are now gone. I doubt I will get any votes from the Republican Party and not many from my own party, which I regret but I understand.

I believe in clean coal. People say ''coal.'' I much like it better if they say ''clean coal'' because if it is just coal the way it is in the ground, we are not going anywhere, and natural gas will overtake coal, put them out of business. I have said this to the coal operators quite frequently. They do not believe me, but I think it is true.

It has happened in North Carolina in 12 powerplants. It is happening in Ohio. It is happening in lots of places. I have nothing against natural gas. We have a lot of natural gas. Natural gas, however, has one-half of the carbon that coal does. It has one-half. They call themselves a clean fuel, and in relation to coal in the ground, they are, but 50 percent is a long way from what we are already doing in West Virginia, which is taking 90 percent of the carbon out of coal as it comes out of the ground.

It goes to a powerplant, where there is Dow Chemical Company on the one hand, and American Electric Power on the other, and they have already—and I have been to see their plants, and I have seen their results, and I went with Secretary Chu—they are taking 90 percent of the carbon out of coal. That is not bad. You can call that clean coal.

We have a gigantic energy problem. We need everything we can get. I was even prepared to be for nuclear, which is about 20 percent of our current power structure. I am not sure where I am right now. I have to think more deeply about that. I am worried because our powerplants are old, also, as the Japanese ones are.

So all I can say is, I am for keeping our eye on the ball. I am not for making us sort of feel good on a very temporary basis. Everybody gets mad at the EPA. It is just sort of like an opening day in American baseball. You just do it and people cheer. But if you do it the way it is done in this amendment, by abolishing the agency, that is a long season, and it is a bad win-lose record.

So I hope my amendment will get sufficient votes. I am not sure. I do not think it will because I think the folks on the other side of the aisle have completely deserted it because they feel a great solidarity, want to show their power, and along comes an elimination bill. I just could not be for that. Morally I could not be for that.

I am strongly for West Virginia coal miners. I just came back last night from the first anniversary of the 29 coal miners who died. It was not an anniversary; it was a memorial. It is a powerful, powerful life being a coal miner. It is unknown to most people what it is like, what the dangers are, but they do it and they are strong. But what they produce could be cleaned up. The technology is there. That is what my amendment would do: give a 2-year timeout to let us work the technology, try to be convincing to Wall Street, and then we could be on our way to have not only natural gas but every single alternative energy that you and I could possibly think of—perhaps minus ethanol, but that is a different story—and we would be on our way.

In any event, it is a clear choice. Clean coal has to play a role in meeting our energy needs. It is abundant. It can be clean. The technology is there. More is on the way. So I hope people will vote for my amendment, and I hope very strongly they will vote against the McConnell amendment.

In the final analysis, I guess if they do not, and they vote for the McConnell amendment, they are going to lose anyway because it is never going to get anywhere. It is a guaranteed loser in the legislative process. I think mine could be helpful.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 183

Mr. THUNE. Mr. President, in a couple of hours from now the Senate will vote on the Inhofe-McConnell amendment which would prevent the EPA from moving forward with dangerous—I said ''dangerous,'' but certainly harmful to business and certainly costly—greenhouse gas regulations. I would hope my colleagues in the Senate will support that amendment for a number of reasons because it bears heavily on one of the great debates we are having in the country today. I think the American people must find it confusing—I certainly do—when you get all these mixed signals coming from the elected leaders in Washington, DC.

The American people must be incredibly confused because the President has said—rhetorically, at least, he has talked about the need to reduce our dependence, our dangerous dependence, upon foreign energy. He talked recently about getting the number of barrels of oil we import every day down by one-third at the end of this decade. The fact is, we do spend $1 billion every single day on foreign oil. There is $1

billion we export from this country because of the addiction we have to foreign sources of energy.

The problem is, everything this administration is doing is contrary to that goal. If we look at policies that are coming out of Washington, DC, right now, today, they completely contradict this idea that we ought to be moving toward energy independence and getting away from this dangerous dependence we have on foreign sources of energy.

I will make a couple of points.

We have, of course, in the Gulf of Mexico the so-called permitorium. We have not been issuing permits to explore, to continue the work that is being done down there in terms of energy exploration. The Outer Continental Shelf has been put off limits by this administration, and many Federal lands where there are abundant energy resources have also been placed off limits. In fact, there were some areas that had been developed or where there were going to be permits issued for exploration in some of the States in the West where we know we have abundant energy resources that have now been repealed or pulled back by the administration—just recently, 77 in the State of Utah, 1 in the State of Montana. We have enormous resources right here in our own country we could be developing that would get us away from sending this $1 billion a day, every single day, to countries around the world because of our addiction to energy.

The other thing tried in the Congress last year was a cap-and-trade bill. It passed the House of Representatives. It passed narrowly. It was never voted upon in the Senate because there wasn't political support for it. That legislation would have also dramatically increased the cost of energy in this country, making it more expensive for our small businesses to run their operations, and imposed dramatically higher electricity and fuel costs on American consumers. That was a given. I think everybody conceded that was the case. But because there wasn't political support for it on Capitol Hill, it ended up not becoming law.

What we have now coming out of the EPA is essentially a cap-and-trade bill through the back door. The EPA has decided they will do by regulation what they could not get done—the administration could not get done—through the political process in Congress.

The point I wish to make about that is the cap-and-trade bill, which was widely debated and discussed at the time, would have driven up energy costs for people in this country. This proposal by the EPA would have the exact same impact and effect. In fact, if one is concerned about economic growth and job creation, which we all should be—Lord knows, when we have almost 9 percent unemployment and lots of people in this country looking for work, that ought to be our No. 1 priority—the fact that we would be putting policies in place that would be counter to creating jobs and getting capital deployed out there in our economy probably defies explanation, at least for most Americans.

In fact, the American Council for Capital Formation projects that the uncertainty created by the EPA's climate change regulations would increase the risk premium of capital by 30 to 40 percent.

The additional uncertainty is projected to reduce U.S. capital investment by as much as $400 billion per year.

So I would argue that if we are serious about creating jobs, if we are serious about growing the economy, why would we want to sideline hundreds of billions of dollars of capital every single year because of these onerous and costly regulations?

This is a major reason why there is $2 trillion today sitting on the sidelines. It is talked about a lot, but nobody seems to be concerned about changing that. What I hear repeatedly from those who are able to invest and have capital to put to work is, they don't like the economic uncertainty coming out of Washington. In most cases, if not in every case, it is focused on these regulations, on regulatory agencies, particularly the EPA, that continue to come up with new proposals to drive up the cost of doing business in this country.

There was a Charles River Associates study which projected the EPA's cap-and-trade regulations could increase wholesale electricity costs by 35 to 45 percent and reduce average worker compensation by $700 per year.

What is unfortunate about this whole situation is that the regulations will drive up energy and gasoline prices the most for middle- and low-income families. That is where the impact is going to be most felt.

Roger Bezdek, who is the former Director of the Bureau of Economic Analysis at the U.S. Department of Commerce, concluded recently that EPA's regulations:

> . . . will impact low income groups, the elderly, and minorities disproportionately, both because they have lower incomes to begin with, but also because they have to spend proportionately more of their income on energy, and rising energy costs inflict great harm on these groups.

I would go on to point out that perhaps the greatest burden of increased energy costs resulting from these new greenhouse gas regulations will fall upon the elderly Social Security recipients who represent 20 percent of all households in this country and who depend primarily on fixed incomes. They have limited opportunity to increase their earnings from employment. They get hit the hardest. What these regulations are going to do is target and hit the people who can least afford to deal with them.

So we have an opportunity to do something about that. I think what we are seeing with the EPA and many of these government agencies is an example of overreach, which is a function, in my view, of bureaucracies that have gotten too big. We all talk about government. There is going to be, I think—I hope, at least—a great debate over the next couple years as we address this issue of spending and debt, about the size of government and how much government intervention we ought to have, and I think most Americans have concluded that government has gotten too big and it has grown too fast. Perhaps the greatest example is these Federal agencies that have this tremendous propensity to want to regulate everything they can out there, to the detriment of many of our small businesses and those who are trying to create jobs.

As an example of how much our government has grown, the historical average for this country and what we spend on the Federal Government as a percentage of our total economy, as a percentage of our GDP, is about 20.6 percent. This year, it is over 25 percent. So the government continues to expand, continues to grow relative to the economy. The private economy continues, by virtue of comparison, to shrink. We ought to be looking at what we can do to grow the private economy, what we can do to create jobs, what we can do to create economic growth in this country as opposed to the things that are being done to expand government.

The solution we have put forward today, the Inhofe-McConnell amendment, is—there has been a lot of discussion about what it would or wouldn't do, but I wish to point out for my colleagues some things it would not do because it does get at the heart of this issue, which is preventing the EPA from moving forward with these costly and burdensome regulations.

There are a number of things it does not do. It does not prohibit States from regulating greenhouse gases and addressing climate change. The amendment expressly allows States to keep existing policies in place and allows States to regulate greenhouse gas emissions as they see fit. The bill also makes clear that any changes States have adopted in their State implementation programs and title V operating permit programs pertaining to greenhouse gases are not federally enforceable.

The McConnell amendment does not overturn the agreement between the White House, California, the automakers, the EPA, and the Department of Transportation on greenhouse gas emissions from cars. A lot has been made out of that issue. That is something the McConnell amendment does not do. In fact, the amendment expressly preserves the auto agreement and the most recently enacted fuel efficiency standards.

In 2017 and beyond, the amendment ensures that any future national auto regulations concerning greenhouse gases will be decided by Congress, which, frankly, is where it should be

decided, which is why this overreach is such an example of big government gone bad.

The McConnell amendment does not overturn clean air and public health protections under the Clean Air Act. The amendment maintains all the Clean Air Act's provisions to protect the public from harmful pollution. Thousands of Clean Air Act regulations would remain untouched by this amendment. Certainly, this amendment does not, as has been suggested, gut the Clean Air Act. In fact, it is the contrary.

The amendment does, however, clarify that Congress never gave the EPA the authority under the Clean Air Act to regulate greenhouse gases for climate change purposes. That responsibility, as I said before, lies and should lie with the Congress.

Finally, the McConnell amendment does not stop the U.S. Government from taking any action to address climate change. The amendment puts Congress in charge of U.S. climate and energy policy. Also, the bill expressly preserves Federal research development and demonstration programs addressing climate change.

So if Democrats in Congress want to enact climate change regulations, I would encourage them to bring a climate change bill to the floor. This is where it should be debated, by the people's representatives, not decided by bureaucrats in some Federal agency, which is what the EPA regulations would, in effect, do.

There are a number of amendments that have been offered by our Democratic colleagues which I would describe as political cover amendments. They are hearing the same thing we are from their small businesses, from agricultural groups, and from consumers across this country about what these regulations would do and how they would adversely impact electricity and fuel costs in this country. So they are trying to give themselves some cover to be able to vote for something.

I wish to point out that all these other amendments being offered by our Democratic colleagues as alternatives to the Inhofe-McConnell amendment don't get the job done. We talked a little bit and we heard a little bit earlier today about the Rockefeller amendment, which has the 2-year delay in it. But, again, there is a very limited scope to that amendment. The temporary nature of the amendment is going to provide very little relief for businesses and consumers across this country. If it is enacted, permits for new projects and the jobs associated with those projects could be stalled until after the 2-year period. There is no assurance that any of these permits would be issued during this 2-year period when this amendment would be in effect.

The Rockefeller amendment would not stop or delay other EPA methods for increasing energy prices, such as the national ambient air quality standard for CO_2. The Rockefeller amendment does not prevent climate change nuisance suits sponsored by environmental activist groups hostile to energy development.

I can say the same thing essentially about some of the other proposals out there. The Stabenow amendment also has a 2-year delay, but it allows EPA to continue moving forward with rulemaking. It just wouldn't allow them to finalize those rules until the end of the 2-year period. If the amendment is enacted, permits for new projects and the jobs associated with those projects could again be stalled until the end of that 2-year period.

There are a number of flaws in all these amendments, none of which are designed to do the job. If we are serious about doing something to address what the consumer groups, the farm organizations, and the business organizations are asking us to do; that is, to prevent the EPA from moving forward with something they don't have the statutory authority to do and should be reserved for the Congress, but they are going to move forward with it anyway—if we are serious about addressing that issue, the only alternative is to support the Inhofe-McConnell amendment. It is that simple. It is that straightforward. All these political cover amendments that are being offered by our Democratic colleagues are simply that. They are cover amendments and they don't get at the heart of the issue.

I would again go back to where I started; that is, to say we ought to, in this country, be seriously debating policies that will move us away from the dangerous dependence we have on foreign energy. As I said earlier, every policy coming out of Washington, in my view, is designed to make it more difficult to develop the very energy sources that will create a domestic energy supply in this country that would release us from this grip that foreign countries have on us with regard to energy.

I hope the Inhofe-McConnell amendment will pass today and will have bipartisan support. It has already been talked about that perhaps none of these will reach the 60-vote threshold. What I would say to my colleagues is, again, if we are serious about trying to solve this issue, if we are serious about trying to make sure electricity and fuel costs don't go up dramatically for our constituents, then this is the amendment we need to be for. The other amendments don't get at the issue. They are political cover amendments.

I think it is pretty straightforward when we look at the number of groups that have come out opposed to those amendments and in favor of the Inhofe-McConnell amendment. I will just mention briefly, again, the American Farm Bureau and the Chamber of Commerce and other small business organizations that have come out in support of the Inhofe-McConnell amendment and opposed to the amendments offered by our colleagues.

I wish to read a quote from one of those letters:

> Congress, not the EPA, should be guiding America's energy policy. Without action by lawmakers, EPA's regulations will make it difficult to attract new manufacturing capacity and jobs in the United States, let alone double U.S. exports in 5 years, which is what our goal has been, as President Obama has pledged.

This letter is signed by a number of organizations, including the National Association of Manufacturers, the National Association of Wholesaler Distributors, the National Association of Independent Business, and the U.S. Chamber of Commerce. As I said before, I have other letters from major farm organizations, including the American Farm Bureau, in support of the Inhofe-McConnell amendment and opposed to the other political cover amendments that are being offered by our Democratic colleagues.

Let's get this done right. Let's send a message to the EPA and to the administration that this is the job for the Congress to deal with. This is something the people's representatives should be dealing with, not unelected bureaucrats and Federal agencies that clearly have an agenda but an agenda that is completely contrary to capital formation, to competitiveness, to job creation, and to economic growth. That is what this Congress should be focused on, and that is why a vote in support of the Inhofe-McConnell amendment is so important.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, we have heard a lot of rhetoric on the floor of the Chamber today defending why air pollution is just fine, explaining why dismantling air pollution regulations is really in the interest of our economy and our families. Indeed, my colleague from South Dakota has listed a little shop of horrors—that the status quo creates economic uncertainty, that the air pollution regulations increase the risk rate of capital, that they destroy jobs, that they even hurt the elderly, that they are an abuse of power, unauthorized by Congress. I am wondering what else is left on the list of reasons to defend the dismantling of air pollution regulations that protect the American people, that are popular in the eyes of American citizens because they want to live in a world where they can enjoy breathing the air throughout our Nation.

Let's start by recognizing that the truth about the McConnell amendment is that it increases our dependence on foreign oil. We have heard something about it driving up the cost of oil. Is that right? Well, no, it is not. Repealing the endangerment finding and taking away EPA's part of the regulation of mileage standards is estimated to increase our consumption of oil by 455 million barrels.

Gas prices are about $3.50 a gallon right now. So the McConnell-Inhofe amendment represents a $68 billion expenditure on additional oil. It means importing $68 billion more of oil. It means exporting $68 billion in additional American dollars overseas to strengthen the economies in the Middle East, Nigeria, or Venezuela. That energy tax—the McConnell-Inhofe tax—is one that goes out of our country and hurts us in the worst way. It goes directly to oil companies—out of the pockets of working families, to some of the most profitable corporations in the history of human civilization. Gasoline prices are set by the law of supply and demand. If you increase demand for oil, you also drive up the price. So, if anything, the McConnell-Inhofe amendment doesn't decrease the cost of gasoline; it increases the cost of gasoline.

Politifact.com took on this issue because Members of Congress backing this amendment were arguing that it keeps gas prices from increasing. Politifact.com—that independent evaluator of claims made on the floor of the Senate, House, and other places—ranks that claim as false.

I can tell you that it is in our interest as a nation to decrease our dependence on oil, not to increase it. We need to decrease that dependence because it is important for our national security. We need to decrease that dependence because millions of dollars that are sent overseas often end up in the hands of those who don't share our national interests. We need to decrease our dependence on foreign oil because when those dollars leave our economy, they leave our family's finances. They don't end up in the retail stores or circulate here in America. Indeed, our purchase of foreign oil accounts for about 50 percent of our foreign trade shortfall.

At a time when both parties should be working together to put America's interests first on energy, the McConnell-Inhofe amendment increases our addiction to oil—foreign oil—and creates a supply impulse that raises the price of oil. Isn't that context completely misguided?

Perhaps the real issue is public health. This McConnell attack on the Clean Air Act asks Congress to vote in lockstep against the scientific judgment of EPA's scientists and to tell the agency charged with protecting the public health and the health of our children to ignore dangerous carbon pollution.

In 2010 alone, the Clean Air Act prevented 1.7 million asthma attacks, 130,000 heart attacks, and 86,000 emergency room visits because clean air isn't just pleasant, it is, in fact, healthy. It is great for the American quality of life to be healthy. You know, that is amazing progress that has been made over the last 20 years under the bipartisan Clean Air Act of 1990.

Instead, this amendment would yield to those short-term impulses that have come up on all sorts of aspects of the Clean Air Act. Each time the agency has moved to say that this is a concern, there are those who say: No, no, in the short-term, that might cost me to adjust and we might have to do things slightly differently. Ten years later, everybody says: You know, it is good that we thought about mercury in the air, it is good that we took on lead in the air, and so on and so forth. Taking a longer term view, we need to stay together and resist these short-term impulses to take and dismantle the Clean Air Act.

The American Lung Association has specifically said the McConnell amendment is ''a reckless and irresponsible attempt to once again put special interests ahead of public health. The American Lung Association, the American Public Health Association, and the Asthma and Allergy Foundation of America have urged that we resist the temptation to dismantle the Clean Air Act, which the McConnell-Inhofe amendment does. There is a very simple reason for that: Each of these amendments would have EPA put aside the practice of using science to set commonsense standards to protect public health. Instead, these amendments would have the science world put their head in the sand about these problems.

Indeed, I am not just concerned about the McConnell amendment; I am concerned about all of the amendments we are considering today that are designed to deflect, delay, and dismantle the protection of clean air. The Baucus amendment would take away EPA's ability to use the best science to continue to modify and tailor the standards they are setting for carbon pollution and their ability to make sure major polluters are all covered. The Stabenow and Rockefeller amendments would put a 2-year delay on pollution standards. It is tempting to think that a 2-year delay might be an acceptable middle ground, but a 2-year delay in protecting public health is 2 years too long.

Let me be very clear about this debate. The McConnell amendment and other associated amendments we will consider are wrong because we should not increase our reliance for energy on the most unstable regions of the world. We should not ship American dollars overseas for energy. We should not tolerate more pollution in our air and water. We should not decrease our ability to build on America's foundation of ingenuity and its inventiveness and respond to air pollution challenges and make those environmental decisions in clear partnership with a stronger economy.

I think that all of our constituents across this country, as they think, as parents, about the future of their children, know clean air is the right course. But our children probably understand better than we do another key aspect of this, because this conversation today is largely about carbon pollution.

We need to wrestle with the fact that carbon pollution has a very substantial impact on the temperature across this planet. Before the Industrial Revolution, we had a carbon dioxide level of about 270 parts per million. The basic scientific consensus is that the level of carbon dioxide in the atmosphere needs to be kept somewhere below 350 parts per million. I would be pleased to report to you today that before we get to that point of 350, we are going to be able to make the adjustments necessary so that we don't end up in a situation where we are creating long-term adverse consequences for our planet. Indeed, we crossed that 350 boundary long ago. We are at 390 now, headed for 400. Ten to 15 years ago, it was going up one part per million per year; now it is going up two parts per million. So the curve is getting steeper, the pace is getting steeper. We are seeing this reverberating from coral reefs, to Arctic tundra; we are seeing it in ice sheets, in glaciers; and we are seeing it in insect populations that are thriving and decimating the forests of the Northwest, where I come from, that weren't there a few years ago. We are seeing it in all kinds of patterns across this planet.

When I visit university campuses, as students talk about the issues nearest to their hearts, the top issue is that we must address this threat to our planet. This conversation goes to the heart of it. My generation isn't as up to speed as our college students are about this, but the planet cannot wait for them to graduate, pursue their careers, run for office, and arrive here on the floor of the Senate. So it is our responsibility as Americans who are concerned about our dependence on energy, as Americans who are concerned about keeping our dollars in our economy and creating jobs, and as Americans who are concerned about the sustainability of our practices, to say no to McConnell-Inhofe and no to the other amendments being brought forward to delay or destroy or dismantle the Clean Air Act.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 281

Mr. COBURN. Mr. President, we are going to have a series of stacked votes at 4 o'clock. I want to spend a few minutes on three or four amendments and clarify some of the things I have heard rumbling.

One is that we have an amendment that will, in fact, take away unemployment insurance for millionaires. Mr. President, 2,840 households who reported an income of greater than $1 million or more on tax returns were paid $18.6 million in unemployment insurance benefits in 2008. That number is higher in 2009. We don't have the final numbers yet. This included over 800 earning over $2 million and 17 with excess income of $10 million collecting unemployment benefits. We have an amendment that will prohibit that.

There has been some concern to say that the costs associated with that, the way it was scored by CBO, would neutralize it; the savings versus the cost

to eliminate that would be even. Even if that is true—and we have done a calculation, and we think it costs about $900,000 a year to have people applying for unemployment sign a statement that their income is not above $1 million. But even if it costs the same as what we are spending, we should not be giving unemployment benefits to people who are earning $1 million a year. It is foolish, and it exacerbates the tendency of enriching those who are already there versus what unemployment insurance is for—so those who are truly dependent on it can survive. I wanted to clarify that point.

Regarding the second amendment, in March the GAO, in response to an amendment I put on the last debt limit, issued a report listing what they think are billions of dollars in savings in terms of duplication. I would be remiss to not say that our President embraced that. In his State of the Union speech, one of the goals of his administration is to eliminate duplication and consolidate.

So we have two amendments that are going to be on the Senate floor. One is mine and one is the amendment of the chairman of the Appropriations Committee, Senator INOUYE. They are both designed to save us $5 billion, but there are two big differences between those amendments.

My amendment tells OMB to have the study, find the $5 billion, report to us what they can do themselves and what they need us to do to help them. Senator INOUYE's amendment waits 6 months from the time we pass the bill—5 months for the study to come back, and then for us to do it, which means we won't have any savings at all until we are well into fiscal year 2013. Every year we waste $5 billion on something we shouldn't is a year we are borrowing $2 billion of it just to pay the bill.

So I understand it is a cover vote, but what it means is we will never get the $5 billion in savings, whereas my amendment will get us $5 billion worth of savings this year. The way we get rid of a $1.6 trillion deficit is $1 billion or $2 billion or $5 billion at a time.

Everybody recognizes the duplication. What we are asking the administration to do is take the very low-hanging fruit they can recognize right now, do the rescission, recommend to us, and then we act on it, rather than waiting 2½ years to get that done.

So it is very straightforward. We know there is significant duplication in the Federal Government. Let me just give some of the findings of the GAO report. Remember, this isn't TOM COBURN's report; this is a GAO report, and they only looked at one-third of the Federal Government—the first third. They have two more reports to come to us, with the second and third, and then yearly. We will get this report yearly on the problems of duplication in the Federal Government.

We have 47 job-training programs across 9 different agencies that we spend $18 billion on, and not one of them has a metric on it to see if it is effective. We are doing a study now in the Permanent Subcommittee on Investigations on what were the reports of the people who have been through this as to where it is helpful and where it is not because in our legislation, where we pass these job-training programs, we didn't ask for metrics to see if they were effective. So this is an area where we can consolidate one or two. Only three of those have charges that are totally separate from the others. The rest of them overlap one another.

There are five departments, eight agencies, and over two dozen Presidential nominees overseeing bioterrorism. We know we can consolidate that. We will actually be much better when we do in terms of our efficiency and communication between agencies. That is $6.48 billion a year.

We have 20 agencies, 56 programs dedicated to financial literacy, and we don't even know what they cost. The GAO couldn't determine what they cost. So 56 different programs on financial literacy, and we are teaching people? We have a $1.6 trillion deficit, and we are teaching Americans financial literacy? If we should teach them that, which is not a bad goal, why do we need 56 programs to do that?

We have 80 economic development programs across 4 different agencies. We are spending $6.5 billion. Just consolidating administrative costs across those agencies could save $100 million, $200 million, $300 million.

We have 15 agencies for more than 30 food-related laws. Even the President mentioned salmon. If they are in saltwater, they have one agency; if they are in fresh water, they have another agency. That is foolish. Why duplicate the work of one agency with another?

We have 18 nutrition programs—they are very important to our kids and those who are dependent on them—at $62.5 billion. Do we need 18 programs to do that? Could we do it with 10, 8, 2, 3? The questions haven't been asked, but let's ask the OMB to look at the low-hanging fruit and to take the $5 billion out and work with Congress to get it done in the next appropriations cycle.

There are 20 homeless programs across 7 agencies at $2.9 billion; 82 teacher quality programs, 16 agencies and $4 billion. Why would we have 82 teacher training programs? It just shows the magnitude of the problem that we have in terms of getting our budget under control, not managing effectively, and not doing the oversight we should.

We have 52 programs for entrepreneurial efforts. I don't have any problem with that, but why do we need 52? We have 35 programs to oversee infrastructure. Overseeing infrastructure is important, but why do we need that many programs? There are 28 programs to oversee new markets—28 different programs funded by the Federal Government across 6 different agencies to oversee new markets. We could consolidate a lot of that.

So the President has said he wants to do this. We ought to give him the tools that will help him do it more quickly because every day we wait it costs us more money.

Finally, we will have a vote ultimately on the ethanol blenders' credit. I have been remiss not to give the No. 1 leader on that—who has a bill of her own—Senator FEINSTEIN, credit because she has led on this for a long time. Her bill is slightly different than the one we are going to offer, but she has led on that issue. She understands the importance of the environmental impact of burning ethanol, when we are actually burning more fuel and putting out more CO_2 than we would with pure gasoline because of the inefficiency of ethanol.

So I wanted to recognize her, and when we come to the vote on the blenders' credit I will ask her to speak on that, if she would.

Finally, I would say in regards to that issue, for people who don't understand, we are going to spend $5 billion this year paying the major oil companies 45 cents a gallon to blend ethanol into gasoline. There is a Federal law that requires a mandate. It is called the renewable fuels mandate. Last year it was 12.5 billion gallons; this year it is 13.2. It is over 22 billion gallons 5 years from now that have to be blended.

We have a letter from the people who receive this tax credit—who are going to receive this $5 billion—who say they do not want the $5 billion; they do not need the $5 billion. Yet we are going to have some resistance around here of not stopping a payment to those who receive it, and who don't want it, for something that is already mandated by law. They have put it in a letter saying they do not want it. It is already in the record.

Now, why would we continue to spend $5 billion of our kids' money on something they do not want, that isn't going to change the outcome, and that we will have to borrow 40 percent of to make the payment? It is beyond me that we would do that, and so it is my hope we will be successful in overturning that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. UDALL of Colorado. 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. UDALL of Colorado. Before the Senator from Oklahoma leaves the floor, I wanted to join him in supporting the commonsense amendment he just outlined. The Coburn-Udall amendment would fix what I think most Americans, if not every single

American, would be shocked to discover; that is, millionaires and billionaires have been drawing unemployment benefits.

Now, unemployment insurance is a critical temporary safety net for Americans who need help to get by when they fall on tough times, but providing unemployment insurance for millionaires, much less billionaires, who do not need it for their basic necessities is fiscally irresponsible, to put it mildly. Frankly, it doesn't make much sense.

I think Senator COBURN put it best when he said it is foolish. We all recall that for months last year we struggled to find ways to put unemployment benefits in the hands of Americans who were really struggling in the face of this tough economic downturn. It was controversial and we worked hard on that in the Senate. It was drawn out because unemployment benefits are expensive, but I supported extending those benefits for out-of-work Americans because they help. We found a way, ultimately, to pay for them. But little did we know, in taking care of these good Americans, it was made even harder because literally—and this number astonishes me—thousands of millionaires and billionaires were abusing the system to draw extra payments for themselves. So it increased the price tag for all the rest.

In the end, we are talking about values. We are talking about hard work and playing by the rules. That is how most Americans operate. But there are a few folks always looking to game the system, and I can't believe that some of the most well-off among us have been asking for a government paycheck while out-of-work Americans, day in and day out, look for jobs. They want to provide for themselves, and they want to do it in an honest way. They don't want to draw those unemployment benefits. That is a decision and action of last resort.

We have had 13 straight months of private sector growth. We have added almost 2 million jobs. But our economy is still fragile, and too many Coloradans and too many Americans are looking for work. Families in my State, and I know in the neighboring State of Oklahoma, are working to balance their budgets and find a way to set aside money for college, taking care of their kids. Asking them to pay for unemployment insurance for millionaires is unbelievable.

So I am truly honored to work with my colleague from Oklahoma. This would save $100 million. As the Senator said, every day we wait, we waste money. Every day we don't take an opportunity to save money, we are doing a disservice to the taxpayers.

So I ask my colleagues to support this amendment. It is a smart change, and it avoids tarnishing an otherwise worthy and critical way to temporarily assist Americans who have fallen on tough times.

Mr. COBURN. Mr. President, will the Senator yield?

Mr. UDALL of Colorado. I will be glad to yield.

Mr. COBURN. I thank the Senator for his cosponsorship and support on this amendment. I haven't had a chance to share this with the Senator—because I just received it—but I have a breakdown from the IRS of the 22 States that don't have any millionaires because they screen for it. Actually, it is not millionaires, it is those earning more than $1 million a year. In other words, these are people who actually have incomes of greater than $1 million a year in terms of adjusted gross income.

There are probably many more who have less than that, but we are saying here is a cutoff. It is a legitimate cutoff. So there are 22 States that don't allow this right now in their process.

I was wrong in my statement on the $600,000 or $800,000. The calculation of the cost of putting this in is $200,000 a year. So for a very minimal cost, we will save $20 million a year, at minimum. We are also going to create a system that will do what it is designed to do—not to help those who are already very comfortable but to help those struggling to make ends meet and find themselves out of a job.

Mr. President, I ask unanimous consent to have printed in the RECORD the report of unemployment compensation and adjusted gross income of $1 million or more.

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

FILERS REPORTING UNEMPLOYMENT COMPENSATION AND ADJUSTED GROSS INCOME OF $1M OR MORE

State reported on F1040	Tax year			
	2006	2007	2008	2009
Alabama	*	*	*	*
Alaska	*	*	*	*
Arizona	17	*	15	12
Arkansas	*	*	*	*
California	454	526	569	494
Colorado	20	18	18	19
Connecticut	72	79	143	148
Delaware	*	*	*	*
District of Columbia	*	*	*	*
Florida	87	87	72	90
Georgia	13	20	18	17
Hawaii	*	*	*	*
Idaho	*	*	*	*
Illinois	91	136	161	141
Indiana	14	15	16	14
Iowa	*	13	*	*
Kansas	*	*	11	13
Kentucky	*	10	*	*
Louisiana	14	*	*	*
Maine	*	*	*	*
Maryland	28	19	21	19
Massachusetts	114	130	110	143
Michigan	19	32	22	26
Minnesota	22	22	25	25
Mississippi	10	*	*	*
Missouri	*	*	21	*
Montana	*	*	*	*
Nebraska	*	*	*	*
Nevada	11	17	21	12
New Hampshire	*	*	*	10
New Jersey	164	217	328	251
New Mexico	*	*	*	*
New York	263	375	661	493
North Carolina	11	32	20	19
North Dakota	*	*	*	*
Ohio	21	21	37	12
Oklahoma	*	*	*	*
Oregon	13	12	18	17
Pennsylvania	100	114	126	125
Rhode Island	21	17	*	12
South Carolina	*	*	10	10
South Dakota	*	*	*	*
Tennessee	14	19	10	20
Texas	70	67	60	74
Utah	*	*	*	12
Vermont	*	*	*	*
Virginia	20	16	13	18
Washington	34	42	46	42
West Virginia	*	*	*	*
Wisconsin	44	21	27	16
Wyoming	*	*	*	*
Other/Blank	*	*	11	12
Total Number of Filers	1,850	2,182	2,695	2,383

Notes: IRS does not report data where the number of Taxpayers is less than 10. Cells with less than 10 observations are represented with an asterisk. The above data are for taxpayers filing a Tax Year 2009 Tax Return.

Mr. UDALL of Colorado. Mr. President, the Senator makes important points, and it is a small investment, if you will, the $200,000, in saving the taxpayers significant amounts of money. As the Senator points out, the important outcome is that the integrity of the unemployment insurance system is maintained.

I also would note, as the Senator from Oklahoma did, the point that it is $1 million in income or more, not whether an individual has assets or something in that amount—in other words, a rancher who is fortunate enough to have lands valued at significant enough levels but who is illiquid and may be struggling to make ends meet. This applies to people, as the Senator points out, who have incomes of over $1 million annually. That makes sense.

This is an important amendment. I urge all our colleagues to support it. We have a chance to vote for it later today.

Mr. President, it is my understanding that I was speaking on Senator COBURN's time, and I ask unanimous consent that the agreement reflect such allocation.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG. Mr. President, this afternoon, this Chamber is going to face a clear question: What matters more, children's health or polluters' profits? We will be voting on amendments that would cripple the government's ability to enforce the Clean Air Act.

This is a landmark law that protects our children from toxic chemicals in the air and illnesses such as asthma and lung cancer. In 2010, the Clean Air Act prevented 1.7 million cases of childhood asthma and more than 160,000 premature deaths. The numbers are big, but numbers do not mean much unless it is your child. If it is your child, there is no number that is too large to take care of that child's health.

If you want to know the real value of clean air to American families, talk to parents who live in fear of their child's next asthma attack. It is a fear my family knows very well. I have a grandson who is a terrific athlete, who is very energetic. He suffers from asthma. He is an athletic child. Every time he goes to play soccer, my daughter—his mother—will check first to see where the nearest emergency room is. She knows very well that if he starts wheezing, she has to get him to a clinic in a hurry. No parent should have to worry about letting their children play outside.

The fact is, the Clean Air Act has improved life for millions of young people. The Supreme Court and scientists agree that the Clean Air Act is a tool we must use to stop dangerous pollution.

This picture demonstrates so clearly what it is like with smog in the air, and it permits us to imagine what it looks like inside a child's lung. This picture shows what toxic skies look like. It is an ugly scene, but it is much uglier when it is inside the child's lungs or a child's body or anybody who is sensitive to polluted air. That is the picture coming out of the smokestacks, and the picture turns into reality when it is in the lungs or the body of an individual.

Allowing companies to reduce pollution, they say, would cost too much for polluters. Too bad. What is a life worth? What does it mean to someone who is sensitive to polluted air not to be able to get out or stop coughing or stop wheezing?

Allowing companies to continue polluting does not eliminate the costs. It simply shifts the costs to our families, our children, and all of us who breathe that air.

The American Lung Association and five other health groups sent a letter opposing all of these amendments. They say:

> The Clean Air Act protects public health and reduces health care costs for all by preventing thousands of adverse health outcomes, including: cancer, asthma attacks, heart attacks, strokes, emergency room visits, hospitalizations, and premature deaths.

I am aware of the threat asthma can be. I had a sister who was a victim of asthma. If our families traveled together, she would have a little respirator that could be plugged into the cigarette lighter hole and enable her to breathe more comfortably. One day she was at a school board meeting in Rye, NY, where she was a member of the school board. She felt an attack coming on. Her instinct was to try to run to her car so she could plug in the machine to the lighter hole. She collapsed in the parking lot, and she died 3 days later. We saw it upfront and personal. It was a terrible family tragedy. She had four children at the time.

When we hear talk about how threatening it is to control pollution, we say, no, the threat is to family health and to our well-being. That is what we are about in families with young people across this country and across the world.

It does not matter what the cost is. There is not a family in the world that would not dispose of all of their assets to protect and continue the life of a child.

History shows that the cost of cleaner air is very low compared to its enormous benefits. Thanks to the Clean Air Act, fewer parents miss work to take care of children suffering from asthma. More families avoid the crushing health care costs associated with a heart attack or stroke. People live longer, more comfortably, and have more productive lives. Simply put, weakening the Clean Air Act puts the profits of polluters ahead of the health of our children.

To see what the United States would look like without the Clean Air Act, we only need to look at China. On a visit there, I was scolded by the minister of environment that the United States was using too much of the world's oil, creating difficulties in the air. When I was in the minister's office, I invited him to join me at the window 23 stories up in the air. We looked outside and we could not see the sidewalk. That is how thick the polluted air was. The air in China is so polluted that many people wear masks when they walk outside. We do not want to be doing that in America.

This poison must not be the future. I do not want it for my grandchildren, and I do not want it for anybody else's children or grandchildren.

In our Senate, in our Congress, our goal must be to take care of our obligations to protect our families. And the strongest obligation anyone has, anybody we know who has children does not want to endanger their health. I ask all of my colleagues: Stand up. Vote down these dangerous efforts to destroy the Clean Air Act. It belongs as part of our environment. It protects our children, it protects the environment, and we must not let this opportunity be misunderstood and say: We have to vote no to give polluters a preference before our children.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 183

Ms. CANTWELL. Mr. President, I rise today to speak against the radical McConnell-Inhofe amendment and in opposition to the efforts to overturn the Supreme Court. We should not be gutting the Clean Air Act and public health and environmental protections that are important to every American.

These anti-environmental, anti-public health, anti-economic riders, I believe, do not belong on a small business bill. When we boil it down, what is at stake is pretty straightforward. It is about the common good versus the special interests. The facts speak for themselves. According to some comprehensive reports, the Clean Air Act will save our economy $2 trillion through the year 2020. And even more importantly, the Clean Air Act will cumulatively save 4.2 million lives by 2020.

Those are striking numbers, and that is why it is so important that we protect the Clean Air Act and turn down these radical amendments that would effectively overturn it.

Congress has stopped other radical attempts to overturn laws that are about protecting our environment and protecting the safety of American people. I remember the debate on MTBE, in 2003, on the Senate floor. MTBE was a highly toxic fuel additive, and very small amounts of it could severely contaminate water supplies. Yet MTBE manufacturers who were on the hook for billions of dollars of cleanup wanted a free pass. They wanted immunity. They came to the Senate hoping to get that. Yet a bipartisan group of Senators stood up to that proposal, and the proposal to let MTBE manufacturers off the hook was turned down.

There have been other attempts to overturn the Clean Water Act, the Endangered Species Act, the Superfund Cleanup Act. Sometimes they get only as far as draft bills or a committee hearing. Sometimes we have votes on them. But these issues all have one thing in common—it is about the greater good versus special interests. Time and time again, Congress has wisely come down on the correct side of the issue and has rejected these proposals by special interests.

The environmental protections that we have continue in force today because we have consistently stood up to fight for them. Passing an anti-EPA amendment would hurt our economy. That certainly is the case with the McConnell-Inhofe amendment. It would overturn hard-won gains from the 2007 Energy bill that put CAFE standards in place to improve fuel economy standards for American consumers. These standards were passed with bipartisan support and save consumers as much as $3,000 over the life of a car through higher fuel efficiency. The proposed McConnell-Inhofe legislation seeks to overturn these advancements.

It is these fuel economy standards, which passed with bipartisan support in 2007, that are helping us to wean ourselves from dependence on foreign oil—not more domestic drilling. We could drill in every pristine, untouched corner of the United States—and sometimes it seems like the backers of those interests would like us to do just that—but in response to these calls, I would suggest you look at a recent letter Senator BINGAMAN and I received from the Energy Information Administration.

I ask unanimous consent to have the letter printed in the RECORD.

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

DEPARTMENT OF ENERGY,
Washington, DC, Mar. 25, 2011.

Hon. MARIA CANTWELL,
Chairman, Subcommittee on Energy, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN CANTWELL: This is in response to your letter of March 15, 2011, which seeks a better understanding of some of the long term impacts of the Energy Independence and Security Act of 2007 (EISA).

As noted in your letter, the long-term energy outlook which the Energy Information Administration (EIA) released just before EISA was signed into law (Annual Energy Outlook 2008 Early Release) projected a significant increase in U.S. dependence on imported petroleum through 2030. This finding is reversed in EIA's latest Annual Energy Outlook (AEO2011 Early Release), which projects a decline in U.S. dependence on imported petroleum over a forecast horizon that extends through 2035. Furthermore, over the 2008 to 2030 period, the cumulative reduction in net petroleum imports between the two sets of projections is about 26 billion barrels.

The policies enacted in EISA are responsible for much of the change in projected U.S. oil use. In particular, EISA mandated significant strengthening of both the corporate average fuel economy (CAFE) standards for cars and light trucks and the Renewable Fuel Standard (RFS) that was first enacted in the Energy Policy Act of 2005. However, other changes that have occurred since the AEO2008 Early Release was issued, including the outlook for oil prices and economic growth, have also influenced the more recent projections presented in the AEO2011 Early Release.

Following enactment of EISA, EIA conducted sensitivity analyses starting from the AEO2008 Reference case to estimate the effect of its key provisions. From these calculations, it is clear that EISA alone is responsible for a major reduction in projected oil consumption, which in turn reduces oil imports on an almost 1-for-1 basis. By 2030, the fuel economy standards provisions in EISA were estimated to reduce light-duty vehicle gasoline-equivalent fuel consumption by between 2.1 and 2.2 million barrels per day relative to a scenario where vehicle efficiency did not improve above the floor set by standards in effect at the time of enactment. Relative to a baseline that included projected market-driven improvements in fuel economy, the savings in fuel consumption due to the fuel economy provisions were still estimated at 1.2 to 1.4 million barrels per day. Furthermore, the RFS provisions of EISA were estimated to further reduce petroleum consumption by 0.3 to 0.6 million barrels per day in 2030.

The AEO2011 Early Release, which reflects current laws and regulations, does not include a further increase in fuel economy standards for model years 2017 through 2025 that is now under consideration in the regulatory process. The forthcoming release of the full AEO2011 will include alternative scenarios of increased light-duty vehicle fuel efficiency to illustrate how further actions by policymakers in this area could affect projected U.S. oil use and imports over the next 25 years.

Finally, while there are a variety of ways to place the major change in projected net petroleum imports resulting from EISA into perspective, comparisons to the level of U.S. proven crude oil reserves can be clarified by explicitly recognizing that reserves are only a subset of available domestic resources. As discussed in my recent testimony before the House Committee on Natural Resources, additions to crude oil reserves replaced over 93 percent of cumulative U.S. crude oil production of 19.6 billion barrels from 2000 through 2009. For this reason, total U.S. crude oil reserves declined only modestly over that decade, decreasing from 22.0 billion barrels at the start of 2000 to 20.7 billion barrels at the start of 2010.

I hope that this information is responsive to your inquiry. Please do not hesitate to contact me if you have any further questions or concerns.

Sincerely,

RICHARD G. NEWELL,
Administrator, Energy Information Administration.

Ms. CANTWELL. In 2007, the Energy Information Administration was predicting that our foreign dependency was going to continue to increase in the coming decades. I should note that after the 2005 Energy bill, I heard some of my colleagues on the other side say that that EIA forecast was the great predictor and that it was going to help us reduce our dependence on foreign oil. But the truth is, the subsequent EIA analysis made after we passed the 2007 Energy bill says just two policies in that landmark bill—the increase in CAFE standards and the renewable fuel standards—are responsible for a downward revision of projected U.S. dependence on foreign oil.

So the things that have made us less dependent on foreign oil are the very things people are trying to gut from important legislation that is already on the books. It is not the case that additional drilling, drilling, drilling and saying to the EPA: ''Ignore the Supreme Court on the Clean Air Act,'' is going to help us. Reducing demand is going to reduce prices at the pump. Look at the example of the U.K., which produces almost all of its own oil from the North Sea. They still got hammered in 2008 when oil prices peaked at $147 a barrel because there is a world market price for oil. So to refute the notion that we should skirt our environmental responsibilities and drill, drill, drill to protect ourselves from high oil prices, we need to look no further than the U.K. example.

I don't understand why the minority leader wants us to increase our Nation's reliance on foreign oil. I think we should be getting off foreign oil and not allowing polluters to addict another generation to that product. I think we should be getting off foreign oil, rather than have future U.S. generations compete with the Chinese for every last remaining supply of ever more expensive oil.

I agree it would be better if Congress acted to address our need to diversify our Nation's energy sources. I am anxious to work with my colleagues on the other side of the aisle to develop legislation that would use the power of the free market to do that and protect consumers at the same time. I am certain there is a bipartisan solution we can all agree to. But we can do this and solve our carbon pollution problem by working together, not by burying our heads in the sand and saying we can ignore the Supreme Court's edict to enforce the Clean Air Act.

There is a way to reduce carbon pollution and transition to a 21st century economy and we can and should work together to achieve these goals. It does not have to be about picking winners and losers, and we can protect consumers in the process. I want to work with my colleagues on a framework that embodies these principles. But, until then, I urge my colleagues to vote against these amendments that will undermine our Clean Air Act; that will actually increase our dependence on foreign oil, force consumers to buy more gasoline, and make our air dirtier.

We can do better and I hope we will.

Mr. President, I ask unanimous consent that Senator BOXER, the chair of the Environment and Public Works Committee, be the next Democratic speaker and that she have up to 10 minutes.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

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

Mr. INHOFE. I ask unanimous consent that at the conclusion of the remarks of Senator BOXER, who I understand wants to speak for 10 minutes, I be recognized for about 10 minutes. That will be about the timeframe we have.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

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

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

Mrs. HUTCHISON. Mr. President, I wanted to speak on the McConnell amendment that Senator INHOFE has worked so hard to bring up, and also LISA MURKOWSKI from Alaska. We all know what is happening to gasoline prices in the United States right now. They have gone up now and the average is about $3.60 a gallon. What we are looking at are more increases in those gasoline prices if the EPA is allowed to take an authority it does not have and regulate greenhouse gasses.

Some of the other amendments offered on this subject are well intentioned, but they do fall short of actually making a difference. The amendment before us repeals EPA's effort. It is very simple and very clean. Small businesses are struggling to survive, struggling to keep workers, and trying to make it in very small margins in this economic time.

Families are facing higher energy costs. We are all suffering. I have a pickup truck which I love to drive. I filled it up a couple of weekends ago. It was about $60. That is a pickup truck. That is a basic form of transportation for many Americans. Farmers depend on affordable energy prices. They must put gasoline in their trucks, diesel in their harvesters, use energy-intensive fertilizer.

Higher costs for farmers means higher costs for food. You are talking about now an inflation we cannot afford in this kind of economic environment. During all of this, the EPA now wants to impose a new gas tax on America in the form of greenhouse gas regulation.

Last Congress I issued a report that documented how the Kerry-Lieberman climate legislation would impose a $3.6 trillion gas tax on the American people. Using the data from EPA and the Energy Information Administration, we calculated that climate legislation would impose a $2 trillion gasoline tax, a $1.3 trillion diesel fuel tax, and a $330 billion jet fuel tax.

According to the EPA and the senior Obama administration officials, regulations would be even worse than legislation. That was one of the main arguments they used in support of climate legislation, that the regulations would be even worse than cap-and-trade legislation.

But that is exactly what we are getting with the EPA now trying to regulate what we could not pass in the legislature, for good reason. The Baucus amendment could shield small businesses and farmers from EPA permit requirements, but it codifies the requirements for energy and fuel producers, meaning everyone in America will still pay higher energy prices.

The Stabenow and Rockefeller amendment only delays the higher energy costs and job losses for 2 years. That is not good enough. I hope my colleagues will see that this is our time to tell the EPA we will determine what we want them to regulate. That is the responsibility of the Congress. We are to make the laws, they are to implement them. They are not to reinvent them in their own model of what they have the authority to do, and we have not given them the authority to regulate greenhouse gases. The refineries say this added amount of regulation is going to cost so much that they will have to raise their prices in their factories, and that assuredly will raise the price of oil and gasoline through its use in our country.

This is an amendment. There is only one amendment of all the amendments on this subject that will do the job. It is simple and clear. It would eliminate the EPA's ability to make regulations in an area that Congress has not authorized it to do. That is what we need to do. Congress needs to take the reins and halt the overregulation that is hurting our small businesses and hurting our economic recovery.

I hope my colleagues will join me in supporting the McConnell-Inhofe-Murkowski amendment.

Mr. REED. Mr. President, today, we are in the midst of another rapid increase in the price of oil and gas at the pump faced by our constituents. Rather than address this issue in a positive manner, we are once again debating an amendment whose authors believe that they have the expertise to determine that the EPA was wrong to conclude that greenhouse gases are pollutants, despite the preponderance of scientific evidence.

The McConnell amendment disregards the advice of leading scientists, doctors, and public health experts by not only overturning EPA's scientific endangerment finding but also telling EPA that it must continue to ignore what America's science experts are telling us about the dangerous impacts of carbon pollution.

The Supreme Court concluded in 2007 that the Clean Air Act's definition of air pollutant includes greenhouse gas emissions, rejecting the Bush administration's refusal to determine whether that pollution endangers Americans' health and welfare. The Senate should similarly reject this amendment, which would overturn that science-based decision.

There are many far-reaching consequences of this amendment, but I want to focus my attention on how it will disrupt the broadly supported and partnership-driven fuel efficiency standards for new cars and light trucks, thereby forfeiting many hundreds of millions of barrels of oil savings, including savings for the American consumer, and potentially reopening the debate to contentious litigation.

This would be a major step backwards in our efforts to decrease the cost of fueling at the pump. The price of gas weighs heavily on the budgets of American families, currently $3.56 per gallon in Rhode Island and an increase of 27 percent over the same time last year. The cheapest gallon of gas is the one that you do not need to buy, which is why I have long championed improved fuel efficiency.

Last year's vehicle efficiency and emissions standards will save consumers more than $3,000 in fuel costs over the lifetime of new vehicles. Increasing the standard to 60 mpg by 2025 could result in $7,000 in savings. Our competitors in China and Europe already have higher efficiency standards. It is time that we create manufacturing jobs here in America by producing cars that save consumers money at the pump. I have been heartened to see our auto industry begin to do just that, but we need to go further.

The McConnell amendment would accomplish the opposite by creating business uncertainty for our existing standards and stopping the development of future efforts to save more oil and money.

This amendment is part of the ongoing concern over how we will reduce carbon pollution, and there will always be the need to balance the needs for business development and environmental protection. But it does not have to be an either or position. A healthy environment is important for a strong economy, and the 40-year track record of the Clean Air Act has shown us that the two can work well in concert.

We need to define our energy future, one that ends our dependence on foreign oil and confronts the challenges of climate change. This amendment accomplishes neither and I urge my colleagues to reject it.

Mr. LEVIN. Mr. President, there are various proposals before us that would impact efforts by the U.S. Environmental Protection Agency to address greenhouse gas emissions that contribute to global climate change.

While I have concerns regarding EPA's regulatory efforts in this regard, Senator MCCONNELL's amendment not only restricts EPA's regulatory work, but it would explicitly overturn an important science based EPA finding that greenhouse gas emissions may endanger the public health and welfare of current and future generations. Further, the McConnell amendment would repeal the mandatory reporting of emission levels of greenhouse gases, which began in 2009. The results of that reporting will help inform important policy decisions regarding how to reduce greenhouse gas emissions.

Senator ROCKEFELLER's amendment would establish a 2-year delay on any EPA action pertaining to greenhouse gas emissions from stationary sources, with the hope that Congress will act to reach a legislative solution to reduce greenhouse gas emissions economy-wide. I could support that because I prefer comprehensive climate legislation with targets and timetables that are technologically achievable instead of a regulatory regime administered by the EPA to address greenhouse gas emissions.

However, I cannot support the Rockefeller amendment because of its impact on the regulation of vehicle greenhouse gas emissions. The amendment would explicitly allow regulation of vehicle greenhouse gas emissions by EPA to go forward under the Clean Air Act, which leaves intact the authority for the EPA to grant a waiver to the State of California to regulate vehicle greenhouse gas emissions. The stated goal of the Obama administration, one I strongly support and have fought for, is to have a single national standard for vehicle fuel economy and greenhouse gas emissions, as is currently the case for model years 2012–2016. That

goal is defeated, however, if states can individually regulate these emissions, because the result is a patchwork of overlapping and conflicting regulations.

Senator STABENOW's amendment has many provisions I support. For instance, unlike the McConnell amendment, it would not nullify the EPA finding based on science that greenhouse gas emissions may endanger public health and the environment. It would also allow EPA to move forward with its reporting requirements, which will help inform policy makers as to how to best reduce greenhouse gas emissions. The Stabenow amendment would also allow the EPA to move forward with its planning to reduce greenhouse gases from stationary sources. Emissions of greenhouse gas emissions from agricultural sources would also be excluded from EPA regulation related to global climate change.

However, the Stabenow amendment would also leave intact EPA's authority under the Clean Air Act to issue vehicle greenhouse gas emissions standards and authority for EPA to grant a waiver to the State of California. I support the EPA and the Department of Transportation together developing a single national standard. If there is going to be a single national standard for 2017–2025, then logically there must also be preemption of state authority in this area. I cannot support an amendment that addresses EPA authority but leaves in place its authority to grant a waiver that is so problematic for our manufacturing sector.

I particularly regret that I cannot support the Stabenow amendment because it also includes an extension of the so-called section 48C advanced energy manufacturing tax credit, which I support. This tax credit—enacted as part of the American Recovery and Reinvestment Act—provides an important incentive for energy manufacturers to continue to invest in facilities in the U.S. I very much support extension of this tax credit and will work with my colleagues to try to extend it.

Mr. LEAHY. Mr. Presdient, I urge rejection of all of the amendments offered today that would gut the Environmental Protection Agency's ability to enforce our Clean Air Act.

It has been proven time and time again that we can have both a clean environment and grow our economy. In fact without a clean environment, it is more difficult for us to grow the economy. Without the Clean Air Act we would be spending trillions of dollars more on health care costs and lost work days. Over its 40 years the Clean Air Act has been one of the world's most successful environmental and health protection laws reducing exposure to pollutants such as lead, ozone, sulfur dioxide, smog-forming gases, and mercury and other heavy metals and toxics.

Thanks to the Clean Air Act millions of lives have been saved by preventing premature deaths, heart attacks, cancer, asthma, and other life-threatening illnesses. But even after 40 years of action, pollution in many areas of the country still violates basic health standards, putting tens of millions of Americans' lives at risk.

In Vermont, while we don't have any coal-fired powerplants, we are still the victims of their pollution as it travels by wind across our borders into the Green Mountain State. Throughout the Nation, hundreds of thousands of Americans suffer every year from illnesses linked to emissions from powerplants, refineries and other large sources of air pollution and greenhouse gases.

Yet there are some powerful special interests and some Members of this body who would like to strip the EPA of its authorities to enforce the Clean Air Act because they reject the notion that greenhouse gases are air pollutants and harmful to public health, or they believe that we just cannot afford clean air. Methane, nitrous oxide, carbon dioxide, hydrofluorocarbons and other compounds are the ingredients of a pollutant cocktail forced on many millions of Americans.

The Supreme Court has determined that the Clean Air Act is ''unambiguous'' and that greenhouse gases, such as those I just mentioned, are ''without a doubt'' air pollutants under the Clean Air Act. As such, EPA is required to regulate these emissions since they endanger public health. The Supreme Court has given the EPA little choice, and the science is clear they must act.

The McConnell amendment would have politics, not science, decide which pollutants are hazardous and which pollutants should be regulated. If politics had been allowed to trump the compelling scientific evidence, we may have never phased lead out of gasoline, or reduced ozone-depleting chemicals, or tackled acid rain. Over the years powerful special interests have sought to block EPA's actions on all of these issues, arguing that the science was weak and the costs unjustified. Once again they are crying wolf and trotting out the same discredited arguments to fight greenhouse gas regulations today.

In enforcing the Clean Air Act, EPA is doing the job that Congress mandated decades ago. These amendments that attack the Clean Air Act would force the EPA to turn a blind eye toward polluters, the same polluters that are spending millions of dollars to lobby against the Clean Air Act.

I urge every Senator to talk to the parents and grandparents of children in their home States who suffer from asthma. Take the time to hear about the trips they have had to take to the emergency room and about the countless hospital stays because of the air they breathe, something so many of us take for granted. These attacks on the Clean Air Act would also lead to more heart attacks, more strokes, more cancer, and shorter lives.

I arrived in the Senate just 5 years after the Clean Air Act of 1970 was introduced and unanimously passed by the Senate. I have supported efforts to reduce life-threatening pollutants, such as lead and mercury. And I will support efforts to reduce hazardous greenhouse gases, just as a majority of Americans do.

The truth is that the McConnell amendment and the other EPA amendments we will vote on today would hurt public health, cost consumers more, stifle the invention of new pollution prevention technologies which grow the U.S. economy and jobs, and further slow our transition to renewable energy sources. Since passage of the Clean Air Act, the benefits have proved to be 42 times greater than the estimated costs of cleaning our air. Our GDP has tripled since the Clean Air Act was passed.

In Vermont we are fortunate to have two of the preeminent innovation companies in the world, IBM and GE. These corporations and others like them rely on regulatory certainty when deciding what investments to make in research, technology, and expansion into new markets. These attempts to strip EPA of its authority under the Clean Air Act to regulate greenhouse gas emissions would send the wrong market signals to our innovators.

Myths are myths and facts are facts, and the fact is that pollution standards are by law both achievable and affordable.

They encourage energy efficiency, which reduces energy demand, reduces fuel consumption, drives down our dependency on fossil fuels and foreign oil, reduces operating costs, and lowers energy prices. In fact the most prevalent compliance response to EPA's carbon regulations will be using current and newly developed technologies to increase a plant's energy efficiency.

The McConnell amendment would render meaningless the progress that we have already made to invent new products that consume less fuel, pollute less, and create American jobs—jobs that cannot be sent overseas. The McConnell amendment would penalize those pioneering facilities that have already taken steps to clean up industry, and reward those who have seen these new standards coming for years, but have chosen to do nothing to protect the public. Instead they now pressure Congress to let them off the hook and to pass the long term health costs along to the public.

The evidence in favor of embracing a cleaner future is clear. We have an opportunity to encourage our innovative companies to be global leaders in new clean energy technologies that will create jobs here in America. We must stop supporting the dirty, outdated and inefficient technologies of the past.

By eliminating EPA's ability to impose scientific, health-based limits on carbon pollution from the Nation's largest polluters, the McConnell amendment and the other amendments that attack the EPA would only end up taking a hefty toll in Americans'

health and costing consumers more by increasing oil consumption and forcing them to pay higher fuel costs.

We need to support efforts for clean air and to reduce our dependence on fossil fuels. Lives are at stake. In 2010, in just 1 year, the Clean Air Act prevented 160,000 cases of premature death. By 2020, that number is projected to rise to 230,000.

The air we breathe is the heritage of the American people, not the property of the big polluters.

The people of this great country deserve better, and they want clean air as well for their children and grandchildren. That is why I urge defeat of these amendments to gut enforcement of the Clean Air Act. Stand up for a future with clean energy and economic growth that depends on a clean environment. Take a stand for the American innovation that will create more American jobs and technology to protect the public's health and the environment. And help more Americans live longer lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am here because I want to urge a no vote on all these amendments that essentially stop the Environmental Protection Agency from doing their work as it relates to air pollution.

I am here to do that because never before have we ever interfered in the enforcement of the Clean Air Act. It has worked because we have seen tremendous advances in our clean air. Pollutants cause or contribute to asthma, emphysema, heart disease, and other potentially lethal respiratory ailments.

We know from the work of the Bush administration and that of the Obama administration that the endangerment finding that said greenhouse gases were dangerous for our health predicted that ground-level ozone would increase if we did nothing, and we would have more cases of asthma and coughing, and people staying home from school, and staying home from work.

The EPA's endangerment finding is key. Here is what they told us:

> Severe heat waves are projected to intensify, which can increase heat-related deaths and sickness.

Remember, this is relating to carbon pollution, greenhouse gases, exactly what my colleagues are trying to either slow down cleaning up or stop cleaning up, in an unprecedented assault on our nation's health—unprecedented assault on our nation's health.

We even had a Senator stand up here and say, EPA does not have the right to regulate carbon pollution, greenhouse gas emissions. I would urge that person, and everyone else saying it, to read the Clean Air Act. It is so clear. And, by the way, the Bush administration did not want to enforce the Clean Air Act, and they went all the way to the Supreme Court, and the Supreme Court said no.

It is very clear in the Clean Air Act that, yes, Congress meant we should control this type of dangerous pollution once an endangerment finding is made. And that was made. What the McConnell amendment does—and my friend Senator INHOFE was actually the author of the full bill, the same thing—is essentially say that the EPA is overridden. They repeal the endangerment finding. That is like my coming here and saying, I want to repeal science that says that smoking causes lung cancer. Okay? I want to play doctor. I want to play scientist. It is absolutely a dangerous precedent because it involves our people. Climate change is expected to worsen regional smog pollution, which can cause decreased lung function, aggravated asthma, increased emergency room visits, and premature deaths.

Why on Earth do my colleagues want to repeal an endangerment finding—by the way, Senator MURKOWSKI tried and it failed, and it is going to fail here today. But the fact is, why should we play doctor? I know some of us have a great elevation of ourselves; a couple have doctorate degrees, but most of us are not scientists and doctors. We act as if we are. I am too humble to repeal science. That is what they do here.

Let's look at the health successes of the Clean Air Act. In 2010 alone, the act prevented 160,000 premature deaths, 1.7 million asthma attacks, 130,000 heart attacks, and 3.2 million lost days of school. I am telling you, the Clean Air Act has been a great success. The number of smog-related health advisories in Southern California has dropped from 166 days in 1976 to zero days in 2010.

Why on Earth would we want to mess with a law that has been working? It has been working. I defy anyone to point out a law that has worked as well as this one. We went from 166 days in Los Angeles, where people were told not to go outdoors, to zero days in 2010, because the EPA—by the way, created by a Republican President, Richard Nixon—does its job.

Look at the bipartisan support for the Clean Air Act. First of all, it passed the Senate 73 to 0, the House 375 to 1. The conference report was approved unanimously, and now, suddenly, I cannot find a Republican to say they fully support the Clean Air Act. What has happened to my friends on the other side of the aisle? This was a bipartisan issue. It certainly is with the people.

In 1990, we had a bipartisan vote signed by President George Herbert Walker Bush: Senate, 89 to 10; House, 401 to 25. That is why so many people in this country still support the Clean Air Act. Let's look at the results of that bipartisan poll we have. Bipartisan support.

It was created, the EPA, by Richard Nixon. Republican President George Herbert Walker Bush signed the reauthorization, and 60 percent of the people in this Nation—and this is a poll that was taken February 14 of this year—say that the Environmental Protection Agency should update Clean Air Act standards with stricter air pollution limits. Listen. Stricter air pollution limits.

The polluters do not like it. They are crying all the way to the bank. They had the biggest profits they ever had, the oil companies. They do not want the EPA enforcing the law. By the way, my colleagues name this amendment something like The Gas Reduction Price Act or something like that.

They say this is going to help us stop gas prices from rising. It has nothing to do with that. Every time we move forward with Clean Air Act authorities, there are predictions from all the polluters about how horrible it will be, and we never had such a period of prosperity since Richard Nixon signed the Clean Air Act.

Sixty-eight percent say: Congress, stay out of the Clean Air Act standards. Leave them alone. Don't change them. The McConnell amendment and the others, all interfere.

Sixty-nine percent say EPA scientists, not Congress, should set pollution standards. This McConnell amendment and the others all put Congress in the middle.

The people are smart. They don't want politicians deciding what to do about their health. They don't come to us when they have asthma. They don't come to us when they get cancer. They rely on physicians. They rely on scientists. But we are playing doctor today. We are going to repeal or try to repeal the endangerment finding that went along with the EPA deciding to move forward and enforce decreases in carbon pollution.

On March 14 the Washington Post had a very interesting article, an op-ed piece signed by Christie Todd Whitman, EPA Administrator from 2001 and 2003, and William Ruckelshaus, EPA Administrator from 1970 to 1973, two Republican former heads of the EPA. They wrote:

> Today the agency President Richard Nixon created in response to the public outcry over visible air pollution and flammable rivers is under siege. The Senate is poised to vote on a bill that would, for the first time, disapprove of a scientifically based finding, in this case that greenhouse gases endanger public health and welfare.

This is signed by two Republican former heads of the Environmental Protection Agency. The McConnell amendment is radical in the extreme. We have never before played doctor around here and repealed a scientific finding that said a certain type of pollution is a problem.

They also said:

> It is easy to forget how far we have come in the past 40 years. We should take heart from all the progress and not, as some in Congress have suggested, seek to tear down the agency that the president and Congress created to protect America's health and environment.

If we are interested in bipartisanship, why don't we look at the facts. The

fact is, the American public supports EPA and the Clean Air Act. The fact is, Richard Nixon created the EPA. The fact is, George Herbert Walker Bush signed the Clean Air Act amendments. The fact is, it is very clear in the Clean Air Act that carbon pollution, any pollution related to climate change, is covered.

This is a reality check from someone who believes we should not go down this dangerous path of playing doctor, playing scientist, overturning the Environmental Protection Agency, which enjoys almost 70 percent support among the people of this greatest of all nations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I agree in one respect with the Senator from California. Actually, we agree on a lot of points. We agree on infrastructure and things that we know the country needs. But in the area of the Clean Air Act, she said: Show me one Republican who supported it. I supported the Clean Air Act. It has been a tremendous success.

Stop and look at the real pollution. I am not talking about greenhouse gases. I am talking about the six real pollutants and what has happened. It is amazing the success of the Clean Air Act. I agree with that.

I remind everyone, though, that the Clean Air Act would not be regulating CO_2 except the court said: If you want to do it, you can. They did not mandate that it be done. That is worth considering.

Since I have the time until we will be voting on the first of three cover votes before they get to my amendment, I wish to correct my good friend from California. She referred to it as the McConnell amendment. It is the McConnell-Inhofe amendment. In fact, it came from my bill that I introduced with FRED UPTON sometime ago, a bill that is going to be voted on in the House Representatives today. So it is appropriate that we take it up now. This amendment has been postponed six or seven times. I applaud the majority leader for letting us have these votes. It is important that we do this.

This is what I believe is important. People need to understand a couple of things: First, this is all about, starting in the 1990s when they had the Kyoto convention that we were supposed to ratify, President Clinton never did submit it to the Senate for ratification. Nonetheless, it was one that regulated greenhouse gases. I remember at that time the Wharton School did an analysis that asked: What if the United States were to ratify the Kyoto treaty and live by its requirements? What would the costs be?

It came out somewhere in the neighborhood of between $300 and $400 billion. We never ratified it because the President never submitted it for ratification. Then in 2003, there came a number of votes. Almost every year we had legislation introduced that would do essentially what the Kyoto treaty would have done, which would have been cap and trade. We had MIT and others look at it to see what in fact would be the cost if we were to do this.

I can remember when my good friend, the junior Senator from California, Mrs. BOXER, and I talked on the Senate floor the last time we defeated her bill—I think this might have been the Waxman-Markey bill, but it doesn't matter because they are all the same—I stipulated to the science. I said: All right. Let's assume the science is right. It isn't, but let's assume it is so we don't have to talk about that. Assuming it is, let's talk about the economics. That is where we developed what it would cost.

In my State of Oklahoma, I have a policy that when we talk about billions and trillions of dollars I try to put it into context as to how it will affect taxpayers in my State. I have a very simple thing I do. I take the total number of families who file tax returns and then I do the math. If I divide that, say, $350 billion a year, that means the average taxpayer in my State would have to pay $3,100 a year in additional taxes in order to pay for the cap-and-trade regime that comes with any type of legislation. We talked about that. Continually, we defeated each bill that came along.

This is the key. The Obama administration is very beholden to some of the far leftwing people. He had a commitment to try to pass some kind of cap and trade. He said: If we can't do it legislatively, we will do it through regulation. So we had all these regulations that EPA started coming down with.

I have to mention, of these regulations, one was very significant because I remember when she was before our Environment and Public Works Committee, I said to her—this is right before going to the big U.N. party in Copenhagen about 18 months ago—I have a feeling, Madam Director, that you are going to come up with an endangerment finding. When you do, it has to be based on science. What science will you base it on?

She said: Primarily on the IPCC.

To make sure everybody understands, the IPCC is the United Nations. They are the ones who came up with this whole thing and said this is what the end of the world is going to be.

I said: If you are going to have an endangerment finding that CO_2 is an endangerment to health, then it has to be based on science. What science will it be based on?

The answer was, the United Nations. It is going to be based on the science of the IPCC, the Intergovernmental Panel on Climate Change. That is the United Nations.

Coincidentally, right after that is when climategate came, and they found that they had been cooking the science for about 10 years and that the legitimate interests and input of real scientists were rejected. So the science just flat wasn't there.

That is why I said at the time that we had this bill up, I will stipulate to the science, even though the science is not there. I know it is not there, but what is there is the economics.

Here we were, faced with a situation where we were looking at the possibility of the Environmental Protection Agency regulating CO_2. I contend that they can do it if they have an endangerment finding, but they don't have to do it. The economic punishment to America would be tremendous. However, it wouldn't do any good.

Here is the big question: What if I am wrong? People have asked me: INHOFE, what if you are wrong? You have been leading this fight for 9 years. What if CO_2 does endanger health and cause global warming and all these scary stories we hear?

My response to that is, if that is the case, it is not going to make any difference because even the EPA director admits if we unilaterally pass some type of regulation that stops the regulation of greenhouse gases, it is not going to affect the overall release of CO_2 emissions.

The reason is simple. If we do it only in the United States, we would argue that is not where the problem is. The problem is in China, Mexico, India, and Third World countries that don't have any emission controls at all. So I think everyone agrees if we pass something like these regulations of the EPA unilaterally, it would not reduce emissions at all. Consequently, we would be incurring economic punishment to achieve nothing.

I would take it one step further. As we chase away our manufacturing base, as they say would happen, we would be in a position where they would go to countries where there is no emission controls. It would actually have the result of increasing emissions.

Even if Senator BOXER is right in everything she says, she is wrong in the respect that if we pass it, it will not lower emissions. That is the fact.

We are running out of time, but I have the time right up to 4 o'clock. I will go over four things that will happen, finalizing the vote that is going to be at 4.

Mr. BAUCUS. Will the Senator yield?

Mr. INHOFE. Let me finish because I am going to need all the time.

Mr. BAUCUS. I ask unanimous consent to speak for 2 minutes prior to the vote on my amendment.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, is the Senator talking about doing it after 4 o'clock?

Mr. BAUCUS. Before the vote, yes.

Mr. INHOFE. If he would include me to speak for 1 minute at that time, I have no objection.

Mr. BAUCUS. That would be fine.

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

Mr. INHOFE. Senator BAUCUS will have an amendment up. I think it is interesting. I refer to these three amendments as cover amendments. In other

words, there are a lot of Democrats who don't want to vote to take away the jurisdiction of the Environmental Protection Agency to regulate greenhouse gases, so they have offered other amendments. The Baucus amendment is one that is going to exempt certain small people, some small farmers and all that. But that doesn't exempt them from having their electricity rates escalate.

The American Farm Bureau says: We don't want any of the cover votes. We don't want the Baucus bill. We don't want Stabenow, and we don't want Rockefeller. Stabenow would also have a delay in certain parts of the regulation. The Rockefeller vote, which is going to be the third vote, is one that would have a 2-year delay. In other words, it says we can go ahead and do the regulation, but we will kind of put it off for 2 years.

The real vote and the one that is critical—and if there is anyone out there who doesn't want to go home and say: I am responsible for passing the largest tax increase in the history of America by defeating the Inhofe-McConnell amendment, then go ahead and vote that way. That is going to be a serious problem—not for me but for the Senators who might vote the wrong way.

The McConnell-Inhofe amendment will be the fourth vote. This is the critical one. The rest are cover votes.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I ask unanimous consent that in addition to my being able to speak for 2 minutes and Senator INHOFE 1 minute, that Senator BOXER also be allowed to speak for 1 minute on this amendment.

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

AMENDMENT NO. 236

Mr. BAUCUS. Mr. President, I have a very commonsense amendment. It basically says: The general rule makes sense, but there should be a couple exceptions. The general rule is that we should have regulations on greenhouse gas emissions, but not for agriculture. I am talking about agricultural producers, not processors, the regulations which would still apply to processors.

We are talking about producers, agricultural producers. They should be exempt. Currently, there are not regulations. EPA may or may not pass regulations that affect agricultural producers. I think we should make clear to agriculture they are exempt. They are not the big greenhouse gas polluters.

Second, this amendment puts in place and codifies EPA's attempt to deal with small business with its tailoring rule. It may or may not be upheld in the courts. Passage of this amendment would allow this to be upheld in the courts.

Essentially, there are 15,000 emitters of greenhouse gas emissions that are the big ones. The other 6 million basically are the very small ones. What about the big ones, the 15,000? Those are large plants run by big corporations. They essentially produce most of the greenhouse gas emissions. Ninety-six percent of these 15,000—the big ones—are already subject to EPA criteria. They have to get permits. Moreover, they emit 70 percent of the greenhouse gas emissions.

So I am just saying, for small businesses—there are a lot of them—it is very important they be exempt from EPA regulations. It is common sense. In general, it is OK, but it exempts agriculture and it exempts small business.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Montana has consumed his 2 minutes.

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, a point of inquiry, not to be taken from the time I have. The inquiry is, When we get into the four votes, are we going to have additional time arguing for and against the amendments?

The PRESIDING OFFICER. There is 2 minutes of debate, equally divided, between the stacked votes.

Mr. INHOFE. OK. I would ask the Chair, these 2 minutes are having to do with the Baucus amendment, the first one we will vote on; is that correct?

The PRESIDING OFFICER. Senator BOXER and Senator INHOFE each have 1 minute.

Mr. INHOFE. On the Baucus amendment?

The PRESIDING OFFICER. Yes.

Mr. INHOFE. OK. I thank the Chair very much.

Let me go first. In deference to my good friend, Senator BOXER, I said I would go first and she can go last.

Let me mention, this is only on the Baucus amendment. Yes, the Senator is right in presenting his amendment that it does exempt farmers and some small businesses from the higher costs and all that. But here is the problem with that: All we have to do is read the statement by the American Farm Bureau where they say: Look, all of our farmers across America—even if this only affects the refiners and the manufacturers, that increases the cost of fuel and the cost of fuel is going to go higher and we do not get anything for it. For that reason, they oppose the Baucus amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, when Senator BAUCUS talked to me about his amendment, it sounded quite reasonable to make sure we codify the tailoring rule of the EPA, which exempts broad swaths of American businesses from their work on enforcing carbon pollution reductions. But as it came out—and I discussed this with him—it goes further. It harms the promotion of clean, renewable biomass, effectively stopping EPA's ability to use the Clean Air Act to encourage this kind of alternative energy.

It also undermines the Clean Air Act's New Source Review Program for carbon pollution, which ensures that the biggest polluters use modern pollution control technologies. It basically says the EPA cannot go and enforce it using the New Source Review unless there is another pollutant involved.

So as the chairman of the Environment and Public Works Committee, I have deep concerns. The Baucus amendment is opposed by leading public health organizations: the American Lung Association, the American Public Health Association, the American Thoracic Society, the Asthma and Allergy Foundation of America, Physicians for Social Responsibility, and the Trust for America's Health, as well as clean energy business, environment, and conservation organizations.

For that reason—although I fully understood the initial intent, and I thought it was laudable—this has transformed into an amendment that I do not support and the leading public health organizations do not support. So I would urge a ''no'' vote on the Baucus amendment.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to Baucus amendment No. 236.

Mr. BAUCUS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 7, nays 93, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—7

Baucus	Hagan	Levin
Begich	Johnson (SD)	
Conrad	Klobuchar	

NAYS—93

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

The PRESIDING OFFICER. On this vote, the yeas are 7, the nays are 93. Under the previous order, requiring 60

votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 277

There will now be 2 minutes of debate on the Stabenow amendment. Who yields time?

The Senator from Michigan.

Ms. STABENOW. For years, I have consistently and repeatedly said that we need to have a balanced and comprehensive American energy policy.

We can't just impose regulations; we need smart incentives to create the technology for a clean energy economy.

The Stabenow-Brown amendment is based on the framework developed on a bipartisan basis for the past 2 years to develop a truly comprehensive policy that would allow us to phase in regulations.

This amendment would allow the EPA to do its work but would have the enforcement of that work be done in 2 years. We would build on the successful advanced energy manufacturing tax credit, known as 48C, which has created jobs at 183 businesses in 43 States.

We have put the right incentives into place because we know when we do that we help businesses create good-paying jobs, and we can reduce carbon pollution at the same time.

Our amendment also follows what the EPA has indicated is its intention toward agriculture by giving our producers the certainty they need.

This amendment is a commonsense approach to addressing the issue of clean energy.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, parliamentary inquiry: Senator INHOFE and I will speak for 30 seconds each. Is that in compliance?

The PRESIDING OFFICER. The Senators have that right. The Senator from California.

Mrs. BOXER. Madam President, the Stabenow amendment suspends full implementation of the Clean Air Act as it relates to carbon pollution for 2 years, which is going to cost jobs and harm America's competitiveness. Worse than that, I think around here ''delay'' is sometimes a code word for ''never.''

A 2-year delay could become a long-term delay. It becomes more expensive, and in the meantime our air gets dirtier.

I will close with this: 68 percent of the people believe Congress should not stop EPA from enforcing Clean Air Act standards. Yet this amendment, and all of the others, do just that.

Let's stand with the people, with the American Lung Association, with the physicians who have taken a stand against all of these amendments, and allow EPA to do its job.

I yield to the Senator from Oklahoma.

Mr. INHOFE. Madam President, let me join my friend from California and say that the Stabenow amendment is similar to the one we voted on before. It admits that the EPA will harm manufacturers, but it doesn't do anything to protect anybody from the higher price of energy. The farmers will tell you that, and everybody else will. With the 2-year delay, EPA can drop its regulatory hammer on farmers and businesses. I urge your vote against this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 277.

Mr. INOUYE. Madam President, I ask for the yeas and nays.

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

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 7, nays 93, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—7

Brown (OH)	Johnson (SD)	Stabenow
Casey	Klobuchar	
Conrad	Pryor	

NAYS—93

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

The PRESIDING OFFICER. The yeas are 7, the nays are 93. Under the previous order requiring 60 votes for the adoption of this amendment, this amendment is rejected.

AMENDMENT NO. 215

Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 215, offered by the Senator from West Virginia.

The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, my plan would put EPA on hold for 2 years and no more, but not on hold from many of its other duties, for example, CAFE standards.

Many of our colleagues do not realize—and certainly the ones who are going to support the McConnell amendment do not realize—that 31 percent of all greenhouse gas emissions in this country come from the backs of trucks and cars. I do not stop them from going ahead and doing that. But I want breathing space so we can take 2 years—yes, there is a lot of frustration in my State about EPA and permits, and I understand that very well. But I want to take 2 years so we can think as a body and actually come up with an energy policy. I am ready for that.

I am not the same person I was 2 or 3 years ago on this subject. But we need that time. I ask my colleagues respectfully to support my amendment. It stops at the end of 2 years, which continues the use of CAFE standards, allowing EPA to set those standards. I ask my colleagues to vote against the McConnell amendment, which I think is truly a stunning aberration.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I will take 30 seconds and yield to my friend Senator INHOFE.

For the reasons we already said about public health or the protection of our Clean Air Act, I urge my colleagues to defeat the Rockefeller amendment.

Let me add one other point. The American renewable energy industry has written to us and told us that the uncertainty of a 2-year delay is more than 2 years. It causes American renewable energy companies to be at a disadvantage with foreign energy companies, costing Americans jobs. Uncertainty adds to job loss in America.

For the sake of the public health of Americans, for the sake of our economy, I urge my colleagues to reject the Rockefeller amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, the 2-year delay encourages bureaucrats to stall new permits. It does not accomplish anything. It delays new construction, and it delays new jobs.

One of the interesting points about all three of these amendments is that everyone agrees EPA should not be regulating greenhouse gases. If you are going to have a root canal, does it help to wait 2 years?

I urge my colleagues to vote against the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 215.

Mr. ROCKEFELLER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 12, nays 88, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—12

Brown (MA)	Johnson (SD)	Nelson (NE)
Collins	Landrieu	Pryor
Conrad	Manchin	Rockefeller
Graham	McCaskill	Webb

NAYS—88

Akaka	Baucus	Blumenthal
Alexander	Begich	Blunt
Ayotte	Bennet	Boozman
Barrasso	Bingaman	Boxer

Brown (OH)	Hutchison	Paul
Burr	Inhofe	Portman
Cantwell	Inouye	Reed
Cardin	Isakson	Reid
Carper	Johanns	Risch
Casey	Johnson (WI)	Roberts
Chambliss	Kerry	Rubio
Coats	Kirk	Sanders
Coburn	Klobuchar	Schumer
Cochran	Kohl	Sessions
Coons	Kyl	Shaheen
Corker	Lautenberg	Shelby
Cornyn	Leahy	Snowe
Crapo	Lee	Stabenow
DeMint	Levin	Tester
Durbin	Lieberman	Thune
Ensign	Lugar	Toomey
Enzi	McCain	Udall (CO)
Feinstein	McConnell	Udall (NM)
Franken	Menendez	Vitter
Gillibrand	Merkley	Warner
Grassley	Mikulski	Whitehouse
Hagan	Moran	Wicker
Harkin	Murkowski	Wyden
Hatch	Murray	
Hoeven	Nelson (FL)	

The PRESIDING OFFICER. On this vote, the yeas are 12, the nays are 88. Under the previous order requiring 60 votes for the adoption of this amendment, this amendment is rejected.

The Senator from Delaware.

AMENDMENTS NOS. 244 AND 161 WITHDRAWN

Mr. CARPER. Madam President, I ask unanimous consent to withdraw the pending Landrieu second-degree amendment No. 244 and the Johanns amendment No. 161.

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

AMENDMENT NO. 183

Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 183 authored by the Senator from Kentucky.

The Senator from Oklahoma.

Mr. INHOFE. Madam President, I think we learned something just in the last half hour, and that is that 90 percent of the Members of this body, of the Senate, do not think the EPA is qualified to regulate greenhouse gases. They voted against the Baucus amendment, the Stabenow amendment, and the Rockefeller amendment. I have referred to those as cover amendments. You don't get much cover when they get less than 10 percent of the vote.

So now is the chance to really do something. If you really want to do something that is going to stop the overregulation we get that is so offensive to the majority of people, we can do it with the Inhofe-McConnell amendment.

First of all, we know what the cost of this will be. The cost will be somewhere in the neighborhood of $300 billion a year. It will be the largest tax increase in the history of this country.

Secondly, what do you get? People have asked: INHOFE, what if you are wrong? What if these greenhouse gases are going to destroy this country?

If we are wrong, let's look at the response we received from the Administrator of the Environmental Protection Agency, Lisa Jackson. When we asked her at a public meeting, if we were to pass these regulations or any of these cap-and-trade bills, would this have the effect of lowering the greenhouse gases, the answer was no because it would only affect the United States of America.

This is your chance to vote against a major tax increase to the American people.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President and colleagues, the question is simple: Can we protect our environment and grow our economy? And the answer is yes.

Forty years ago, naysayers claimed the Clean Air Act, signed into law by then-President Richard Nixon, was too costly and would doom our economy. They were wrong. We heard the same doom-and-gloom predictions in 1990 when President George Herbert Walker Bush led the effort to strengthen the Clean Air Act. They were wrong again. Since 1970, the efforts of the Clean Air Act have outweighed the cost 30 to 1, and the GDP has grown by more than 200 percent. The Clean Air Act has saved hundreds of thousands of lives, trillions in health care costs, and grown our economy. Now the naysayers warn that reducing carbon pollution will doom our economy. Ronald Reagan might say: Well, there they go again. But history and science say they are wrong.

If we don't take action, here is what it will mean: higher health care costs in America, destroyed coastlines, and an ever-growing dependence on foreign oil. That is not a recipe for economic success; it is a recipe for failure.

Let's keep America on the right course—one that saves lives and grows our economy. Please join me in voting against the McConnell amendment.

I thank my colleagues.

Mr. WICKER. Madam President, I ask for the yeas and nays.

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

The question is on agreeing to amendment No. 183. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—50

Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hatch	Nelson (NE)
Blunt	Hoeven	Paul
Boozman	Hutchison	Portman
Brown (MA)	Inhofe	Pryor
Burr	Isakson	Risch
Chambliss	Johanns	Roberts
Coats	Johnson (WI)	Rubio
Coburn	Kirk	Sessions
Cochran	Kyl	Shelby
Corker	Landrieu	Snowe
Cornyn	Lee	Thune
Crapo	Lugar	Toomey
DeMint	Manchin	Vitter
Ensign	McCain	Wicker
Enzi	McConnell	

NAYS—50

Akaka	Blumenthal	Carper
Baucus	Boxer	Casey
Begich	Brown (OH)	Collins
Bennet	Cantwell	Conrad
Bingaman	Cardin	Coons
Durbin	Leahy	Sanders
Feinstein	Levin	Schumer
Franken	Lieberman	Shaheen
Gillibrand	McCaskill	Stabenow
Hagan	Menendez	Tester
Harkin	Merkley	Udall (CO)
Inouye	Mikulski	Udall (NM)
Johnson (SD)	Murray	Warner
Kerry	Nelson (FL)	Webb
Klobuchar	Reed	Whitehouse
Kohl	Reid	Wyden
Lautenberg	Rockefeller	

The PRESIDING OFFICER (Mr. WHITEHOUSE). On this vote, the yeas are 50, the nays are 50. Under the previous order requiring 60 votes for adoption of the amendment, the amendment is rejected.

AMENDMENT NO. 281

Under the previous order there are now 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 281, offered by the Senator from Oklahoma, Mr. COBURN.

Mr. COBURN. Mr. President, this is a straightforward amendment that eliminates individuals who have adjusted gross incomes of greater than $1 million per year from receiving unemployment benefits. Last year, we had 2,383 people who received unemployment benefits and also had an income tax return that had adjusted gross incomes above $1 million. We had 40 that had adjusted gross incomes above $10 million per year. It is a very straightforward amendment. I hope we would support it.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I am pleased to join my friend from Oklahoma in supporting this amendment. He laid out the case in the strongest terms possible. We are spending $100 million a year providing unemployment insurance for people who make over 1 million a year. It doesn't make any sense. It undercuts the integrity of the unemployment insurance program and it would save $100 million, as I mentioned. I ask all of you to join us in supporting this amendment. Let's save the taxpayers some money.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—100

Akaka	Boxer	Cochran
Alexander	Brown (MA)	Collins
Ayotte	Brown (OH)	Conrad
Barrasso	Burr	Coons
Baucus	Cantwell	Corker
Begich	Cardin	Cornyn
Bennet	Carper	Crapo
Bingaman	Casey	DeMint
Blumenthal	Chambliss	Durbin
Blunt	Coats	Ensign
Boozman	Coburn	Enzi

Feinstein	Leahy	Roberts
Franken	Lee	Rockefeller
Gillibrand	Levin	Rubio
Graham	Lieberman	Sanders
Grassley	Lugar	Schumer
Hagan	Manchin	Sessions
Harkin	McCain	Shaheen
Hatch	McCaskill	Shelby
Hoeven	McConnell	Snowe
Hutchison	Menendez	Stabenow
Inhofe	Merkley	Tester
Inouye	Mikulski	Thune
Isakson	Moran	Toomey
Johanns	Murkowski	Udall (CO)
Johnson (SD)	Murray	Udall (NM)
Johnson (WI)	Nelson (NE)	Vitter
Kerry	Nelson (FL)	Warner
Kirk	Paul	Webb
Klobuchar	Portman	Whitehouse
Kohl	Pryor	Wicker
Kyl	Reed	Wyden
Landrieu	Reid	
Lautenberg	Risch	

The PRESIDING OFFICER. On this vote, the yeas are 100, the nays are zero. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is agreed to.

AMENDMENT NO. 286

Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to Amendment No. 286 offered by the Senator from Hawaii, Mr. INOUYE.

Mr. INOUYE. Mr. President, my amendment addresses the concerns raised by the Coburn amendment, but it does so by using existing authorities established by the Impoundment Control Act of 1974. My amendment accomplishes the same objectives, but it maintains the proper deference to Congress on matters of appropriations.

The Coburn amendment simply duplicates that existing authority but removes the checks and balances. I urge a yes vote on the Inouye amendment and a no vote on the Coburn amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. COBURN. I was looking for Senator WARNER in the Chamber.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise to urge adoption of the Coburn amendment. I believe the Coburn amendment actually adds teeth. We have a study here of duplicative programs from GAO. We have got to make sure we are, as we debate closing down the Federal Government, attacking real programs.

We ought to be able to save $5 billion of administrative duplication within the 82 programs that were given in this guideline in the GAO report. I would urge adoption of the Coburn amendment after the Inouye amendment.

The PRESIDING OFFICER. The question is on agreeing to the Inouye amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—57

Akaka	Franken	Merkley
Baucus	Gillibrand	Mikulski
Begich	Hagan	Murkowski
Bennet	Harkin	Murray
Bingaman	Hutchison	Nelson (NE)
Blumenthal	Inouye	Nelson (FL)
Boxer	Johnson (SD)	Pryor
Brown (MA)	Kerry	Reed
Brown (OH)	Kirk	Reid
Cantwell	Klobuchar	Rockefeller
Cardin	Kohl	Sanders
Carper	Landrieu	Schumer
Casey	Lautenberg	Shaheen
Cochran	Leahy	Stabenow
Collins	Levin	Tester
Conrad	Lieberman	Udall (NM)
Coons	Manchin	Webb
Durbin	McCaskill	Whitehouse
Feinstein	Menendez	Wyden

NAYS—43

Alexander	Graham	Portman
Ayotte	Grassley	Risch
Barrasso	Hatch	Roberts
Blunt	Hoeven	Rubio
Boozman	Inhofe	Sessions
Burr	Isakson	Shelby
Chambliss	Johanns	Snowe
Coats	Johnson (WI)	Thune
Coburn	Kyl	Toomey
Corker	Lee	Udall (CO)
Cornyn	Lugar	Vitter
Crapo	McCain	Warner
DeMint	McConnell	Wicker
Ensign	Moran	
Enzi	Paul	

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 43. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 273

Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 273 offered by the Senator from Oklahoma, Mr. COBURN.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we have one more vote in this series of votes. This will be the last vote tonight. We are now going to continue working on this piece of legislation. People should talk to the manager of the bill if they have other amendments. We have quite a few we have to work through, but I think we have had a lot of success today.

We are still working on seeing if we can get a budget deal, everybody. I have a meeting at the White House at a quarter to 9 tonight with Speaker BOEHNER.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise to speak in favor of the Coburn-Warner amendment. Refreshing everyone on the point I made just a couple moments ago, the GAO created a study that gives us a guidepost of where we can start eliminating some of the duplication and replication in Federal programs. This does not go to the heart of service delivery. It does go to anybody who has been a Governor or mayor in this body, who knows you can find, in moments of tough times, savings at the administrative level. This is a guideline. If we cannot find $5 billion in administrative savings from this guidepost, then this study will go, along with many others, to sit on a shelf.

So I urge my colleagues to vote in favor of the Coburn-Warner amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, since 1974, there has been a law on our books that does exactly what this amendment proposes to do. It does so without taking away the checks and balances we have in the government. It also does so in a proper way. It goes through the Congress of the United States.

This is an appropriations matter. So, therefore, I hope all of us can vote no on the Coburn amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 64, nays 36, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—64

Alexander	Enzi	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Hatch	Paul
Bennet	Hoeven	Portman
Blumenthal	Hutchison	Risch
Blunt	Inhofe	Roberts
Boozman	Isakson	Rubio
Brown (MA)	Johanns	Sessions
Burr	Johnson (WI)	Shaheen
Carper	Kerry	Shelby
Casey	Kirk	Snowe
Chambliss	Klobuchar	Tester
Coats	Kohl	Thune
Coburn	Kyl	Toomey
Collins	Lee	Udall (CO)
Corker	Lugar	Vitter
Cornyn	Manchin	Warner
Crapo	McCain	Wicker
DeMint	McCaskill	
Ensign	McConnell	

NAYS—36

Akaka	Gillibrand	Murray
Bingaman	Harkin	Pryor
Boxer	Inouye	Reed
Brown (OH)	Johnson (SD)	Reid
Cantwell	Landrieu	Rockefeller
Cardin	Lautenberg	Sanders
Cochran	Leahy	Schumer
Conrad	Levin	Stabenow
Coons	Lieberman	Udall (NM)
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

The PRESIDING OFFICER (Mr. BENNET). On this vote, the yeas are 64, the nays are 36. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

AMENDMENT NOS. 184 AND 217

Under the previous order, amendments Nos. 217 and 184 offered by the Senator from Oklahoma are agreed to.

Mr. GRASSLEY. Mr. President, I would like to briefly explain my vote in favor of amendment No. 273, offered by Senator COBURN. The amendment seeks to save at least $5 billion by consolidating duplicative and overlapping

government programs. I wholeheartedly support efforts to save taxpayer money by eliminating waste, fraud, abuse and inefficiency within the Federal Government. A congressional responsibility that I take very seriously is our day to conduct oversight of Federal agencies.

I recognize that Senator COBURN's amendment is based on a Government Accountability Office report to Congress which identified programs and initiatives that have duplicative goals or activities. The report included 34 areas where billions of dollars could be saved. It included seven areas within Defense Department programs. It proposes saving millions by consolidating Federal data centers that today are spread across 24 Federal agencies. It identifies duplication in 44 separate employment and training programs, which could save millions of dollars. I also understand that the blender's credit for ethanol was singled out in the report.

In voting in favor of the amendment, I want to make clear that I do not consider the ethanol blender's credit to be a duplicative program, nor do I believe it should simply be eliminated. I would also like to make clear that the GAO report suggested a number of policy options that Congress could consider when revising the tax incentive. My colleagues should know that I, along with other Members of the Senate, are currently working to reform and restructure the tax incentives for ethanol production and consumption. Many of the reforms we are exploring are the same options suggested by the GAO report.

It is my hope then, that the Senate will consider thoughtful, constructive reforms to the ethanol tax incentive, rather than the proposal put forth by Senator COBURN with amendment No. 220 that would end the incentive immediately.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

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

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

BUDGET NEGOTIATIONS

Mr. REID. Mr. President, this budget we have spent so much time talking about is really about making tough choices, hard choices, difficult choices. The American people understand this. They understand tough choices. They have to make them every day, especially now with the economy being in the shape it is in. So should their representatives in Congress make tough choices.

We are being honest with ourselves over here. We know we can't get 100 percent of what we want. That is what this negotiation is all about. That is why this is a negotiation. It is not a winner-take-all situation.

Democrats have made tough choices because we want to get this agreement finished. We want it completed. We want to keep the country running and keep the momentum in the economy that is now creating jobs. We want to avoid a shutdown and the terrible consequences that would follow.

The only thing Republicans are trying to avoid is making the tough choices we need to make. We have been more than reasonable. We have been more than fair. We meet them halfway, and they say no. We meet them more than halfway, and they still say no. We meet them all the way, and they still say no. If Republicans were serious about keeping the country running, all they would have to do is say yes.

Now we learn House Republicans are going to make another excuse, create another diversion, and avoid another tough choice. Instead of solving the crisis the way we should, instead of saying yes, they say, in fact, what they are going to do is pass what they will call another short-term stopgap measure. They will say it is short term, but what that really means is it is a short cut—a short cut around doing our jobs. Instead of solving problems, they are stalling. They are procrastinating. That is not just bad policy, it is a fantasy.

We all heard the President of the United States say yesterday that he won't accept anything short of a full solution. And why should he? We are 6 months into the fiscal year now. President Obama is right. We can't keep funding our great country with one stopgap after another. The United States of America, this great country of ours, shouldn't have to live paycheck to paycheck. We are not going to give up. We are going to keep talking and keep trying to find middle ground. The Speaker and I will go back to the White House tonight in 2 hours and 20 minutes to meet with him again to continue the conversation we have been having for weeks with this administration.

We know the Republicans are afraid of the tea party. That has been established. Now it looks as though they are also afraid of making the tough choices we have to make. But tough choices are what governing is all about. They are what leadership is all about. It is time for my friends in the House of Representatives to stop campaigning and start governing.

And remember what one of the greatest Speakers of all time said. In fact, he was Speaker three times. He was from the State of Kentucky. Henry Clay. He was known as the ''great compromiser.'' He said that all legislation is based on mutual consensus. That is what this is all about. But remember, let's focus on the word ''mutual.'' It takes both of us.

Mr. President, it is time to lead.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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.

GOOD FAITH NEGOTIATIONS

Mr. CARDIN. Mr. President, I wish to spend a moment or two talking about how devastating it would be for our country and for the people of our country if, in fact, we have a government shutdown.

I represent Maryland, and there are a lot of Federal workers in Maryland. They are very concerned because it will affect them. A government shutdown will affect everyone in this country. It will affect people who depend upon their government being there to serve them.

If you are depending upon a timely IRS refund check and the government is shut down and you need that money and are counting on it—it is your money—you may find out, if the government is shut down, there is no one to talk to and that check will be delayed.

If you are a person who is entitled to Social Security disability payments and you have a case that is pending, there will not be people there to resolve that case and you will have to wait. That could also very well affect your ability to literally pay your bills.

If you are doing research at NIH—cutting-edge research—which depends upon the continuity of the work in order to discover the answers to many of the problems we face in health care, that will be disrupted if we have a shutdown of the government.

The bottom line is, everyone loses if we have a shutdown of our governmental body. The taxpayers lose. Study after study shows that a shutdown of the government will actually cost the taxpayers more money. It makes no sense at all. Yet there are some in the House who say: Look, bring on a shutdown. They are not negotiating in good faith. They are saying it is our way or the highway. Basically, they want to shut down the government.

We need to negotiate in good faith. It is not going to be what the Democrats or the Republicans want. That is how the system works. You have to negotiate in good faith. I know our leaders are doing that. I urge all of us to understand the consequences of a shutdown and make sure we take steps to negotiate in good faith and have a budget agreement completed by Friday of this week.

I want my colleagues to understand why people in my State should be very concerned about the budget that passed the House of Representatives—the Republican budget. It would hurt children

on Head Start. In Maryland, 1,795 children who are on Head Start would lose their ability to go to that program. You know how important that is. For students in Maryland, they would find that their Pell grants would be reduced by almost $700. Women would be hurt by the loss of essential preventive health services. Families would be at risk with the lack of enforcement of our regulatory bills that protect us on public health issues. The list goes on.

It has been estimated that 700,000 jobs would be lost if the House budget became real. That would jeopardize our recovery. As you know, we are just starting to see job growth. We certainly don't want to take counterproductive steps in that recovery.

As we pointed out many times, the budget the House sent over is concentrating on 12 percent of Federal spending. We need to broaden this discussion, and we all understand that. It starts with allowing the political system to work and for us to get together and reach an agreement for the budget that is already 6 months—we are talking about the last 6 month's budget.

In Maryland, if the House budget were to pass, Metro would lose $150 million. This is the Nation's transit system. People would find that if the transit system can't operate, the roads will be more congested and it will take a lot longer to commute.

My point is this: The House budget—the Republican budget—is not going to become law. It is not what the Republicans want or what the Democrats want. We have to come together, and we are doing that. But let's not allow a minority in the House to tell us we are not going to let the system work for the best interests of the American people.

I think, though, we should be very concerned about whether this is part of a plan with the Republicans, when we look at their budget for next year, the 2012 budget, which was released this week. There are disturbing signs as to what their intentions are. We saw it with the budget for this year and now we see that continued for their budget for next year. They literally want to turn the Medicare system into a voucher program, where seniors have to rely on private insurance companies. We tried that before Medicare. In the early 1960s, the number of seniors who could not get health care insurance was staggering. Why? Because private insurance companies are not interested in insuring people who make claims. The older you are, the more you will make claims on our health care system. If seniors are at the mercy of private insurance companies, it will be much more expensive for them, and they will not get adequate protection.

We should all be concerned about the budget that was brought out this week. The Medicaid system that protects our most vulnerable, our seniors, who rely, in large part, on the Medicare system to deal with long-term care and nursing care—the Republican budget would transfer that to the States with a block grant, making it unlikely to see the continuation of the program that is critically important, not just to people who are vulnerable, but if they have to rely on the use of emergency rooms to get care, it will be more expensive for all of us.

These short-term so-called budget savings will turn into long-term costs for our country. The Republican budget continues to do these domestic discretionary cuts—well beyond what we need as a nation to grow—taking, again, our most vulnerable, those who depend on government, making a college education more expensive and denying young people the opportunities they need.

Guess what is missing in the Republican budget. There is no effort to deal with the revenue problems of America. I say there is a better way to do this, and there are 64 Senators who have come together and said: Look, we have to deal with our national debt with a credible budget plan—a credible budget plan that starts with discretionary spending cuts, and we all agree to that. We have to reduce military spending and deal with mandatory spending, but we have to also deal with the revenue side. Thirty-two Democrats and 32 Republican Senators said that.

The Republican budget in the House doesn't take us down that path. It is not a credible plan for dealing with the budget deficit that can pass and be enacted and give confidence not only to the financial markets in America but around the world and tell the American people it puts their interests first.

I want my colleagues to understand we don't want to jeopardize the recovery. We want to get our budget into balance, and we have to get this year's budget behind us. We have to deal with that. President Obama is right when he said in the State of the Union Address that we have to beat our competition. We have to outeducate, outinnovate and outbuild them and we have to do it in a fiscally responsible way. We can do that now if we work together and deal with the budget we are currently in, which ends September 30 of this year, in a fiscally responsible way. Let's get this done and move on and work together for the sake of our Nation.

I am convinced that if we work together, we can have a responsible plan and we certainly should not allow a minority in the House to block a budget resolution for this year, causing the government shutdown. That is the worst case for the American people.

I urge my colleagues to continue to work together so we can keep the government operating, reduce the deficit, and allow America to grow and compete and meet the challenges of the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

SBIR/STTR REAUTHORIZATION ACT OF 2011—Continued

AMENDMENTS NOS. 240 AND 253

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate resume consideration of S. 493 and set aside the pending amendments so that I may call up the following two amendments en bloc. They are Cardin amendment No. 240 and Snowe amendment No. 253.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes en bloc amendments numbered 240 and 253.

The amendments are as follows:

AMENDMENT NO. 240

(Purpose: To reinstate the increase in the surety bond guarantee limits for the Small Business Administration)

At the end, add the following:

SEC. _____. SURETY BONDS.

(a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking ''(1)'' and all that follows and inserting the following: ''(1)(A) The Administration may, upon such terms and conditions as it may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed $5,000,000.

''(B) The Administrator may guarantee a surety under subparagraph (A) for a total work order or contract amount that does not exceed $10,000,000, if a contracting officer of a Federal agency certifies that such a guarantee is necessary.''.

(b) DENIAL OF LIABILITY.—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) by striking subsection (e) and inserting the following:

''(e) REIMBURSEMENT OF SURETY; CONDITIONS.—Pursuant to any such guarantee or agreement, the Administration shall reimburse the surety, as provided in subsection (c) of this section, except that the Administration shall be relieved of liability (in whole or in part within the discretion of the Administration) if—

''(1) the surety obtained such guarantee or agreement, or applied for such reimbursement, by fraud or material misrepresentation;

''(2) the total contract amount at the time of execution of the bond or bonds exceeds $5,000,000;

''(3) the surety has breached a material term or condition of such guarantee agreement; or

''(4) the surety has substantially violated the regulations promulgated by the Administration pursuant to subsection (d).'';

(2) by striking subsection (k); and

(3) by adding after subsection (i) the following:

''(j) DENIAL OF LIABILITY.—For bonds made or executed with the prior approval of the Administration, the Administration shall not deny liability to a surety based upon material information that was provided as part of the guaranty application.''.

(c) SIZE STANDARDS.—Section 410 of the Small Business Investment Act of 1958 (15 U.S.C. 694a) is amended—

(1) by striking paragraph (9); and

(2) adding after paragraph (8) the following:

''(9) Notwithstanding any other provision of law or any rule, regulation, or order of the Administration, for purposes of sections 410, 411, and 412 the term 'small business concern' means a business concern that meets the size standard for the primary industry in which such business concern, and the affiliates of such business concern, is engaged, as determined by the Administrator in accordance with the North American Industry Classification System.''.

AMENDMENT NO. 253

(Purpose: To prevent fraud in small business contracting)

(The amendment is printed in the RECORD of March 28, 2011, under ''Text of Amendments.'')

Ms. LANDRIEU. Mr. President, I thank Senator CARDIN for his patience and Senator SNOWE as we have worked up through the last hour or two on their two proposals. Both have to do with perfecting our contracting programs. While not specific to the SBIR Program and STTR Program, they are very relevant to the work we do on the Small Business Committee.

I appreciate all the Members who allowed these two amendments to go forward. They are pending and hopefully tomorrow we can get some agreement on some additional votes. We have had a very busy day today on the underlying bill, the SBIR bill. We voted on seven amendments. We had heated discussions on issues that are not related to this bill but are very important to this body.

I thank the Senators for working in good faith as we try to move through the many amendments that have been filed, most of which are not germane to the issue at hand but are important to be discussed on the floor of the Senate and in Congress.

I thank particularly Senator CARDIN. I notice he is on the floor. He may want to say a word now about his amendment briefly. I commit to the Senator that we will discuss his amendment and Senator SNOWE's amendment as soon as we can tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I thank Senator LANDRIEU for her extraordinary work and patience. She gives us credit. We give her credit for patience in the manner this legislation has been considered.

This bill is very important not just to the small business community but to our economy. We are talking about providing the wherewithal for innovation in America. Small businesses will produce the largest amount of innovation in this country and the largest job growth. This bill gives them some degree of predictability on getting the types of resources so they can innovate.

I do applaud the Senator. I am proud to be part of the committee. This has been a very bipartisan bill. I thank her. I thank her for accommodating the amendment that she was helpful in getting passed initially, along with Senator SNOWE, that increases the size of surety bonds from $2 million to $5 million, which makes a difference for a small construction company getting government procurement. It is critically important. It has worked much more successfully than we thought when we first put the increase into effect. We actually had a lot more contracts than we thought when we originally suggested this.

I am pleased to tell the chairman that it has no scores as far as cost. There is no taxpayer cost involved. This is a win-win situation to help small businesses get construction work, adding to our economy and job growth.

I look forward to talking about this amendment tomorrow. Hopefully, we will be able to get a vote. I again thank the Senator for her attention.

Mr. President, I yield the floor.

Ms. LANDRIEU. Mr. President, I wish to speak for 2 minutes in general wrapup. There may be other Senators coming to the floor. I am hopeful we can lock in a time to vote on Cardin amendment No. 240 and the Snowe amendment No. 253. There are other amendments, a few amendments that are pending. Many others have been filed. The Senators are working together to see what kind of accommodations we can make.

Again I remind everyone, while we are working hard behind the scenes in many rooms and meetings today to try to keep our government open and operating while reducing spending where we can in an effective and a smart and constructive way, I remind our Senators how important this bill is because it will be reauthorizing a program that actually creates jobs in America by the small businesses that are represented on all of our Main Streets in our States and our communities.

This is the Federal Government's largest program for research and development. We do not believe that only big business, only international corporations have the best technology, the best approaches, or the best methods. We actually believe there are small businesses, some quite tiny, just one scientist and an assistant who can come up with cutting-edge technology, an engineer or an assistant, or a doctor and an assistant, who can come up with cutting-edge technologies that can cure a disease of the time or create a new mechanical system or technology system that helps not only our Federal agencies to cut spending, operate more efficiently, but can be commercialized in a way that creates manufacturing jobs and service jobs in America.

There are many ways to get to a balanced budget. We have heard a lot about cutting spending. Yes, we need to do that. But we also need to create jobs which generate income to close that budget gap. If we can get a more robust economy underway, this program most certainly is one of the ones.

I am proud of the new economic data that has come out. We are not where we need to be. Unemployment is still too high, but it is coming down. We are not creating enough jobs, but we are creating more and more every month. In large measure, it is because of some of the work our Committee on Small Business has done, both in the stimulus package and in our last small business bill opening up lending, getting credit lines started in partnership with community banks. Part of it is smart programs such as this. There are some government programs that do not work. This is not one of them.

I thank our Members for being patient. We now have the Cardin-Snowe amendments pending. We will hopefully lock in a time to vote on those and a few others we are considering as well.

Tomorrow, hopefully, we will start at an early hour and will continue to work on this important bill.

MORNING BUSINESS

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

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

Ms. LANDRIEU. Mr. President, I yield the floor.

INTERCHANGE FEE REFORM

Mr. DURBIN. Mr. President, I continue to receive letters weighing in on the issue of interchange fee reform. I ask unanimous consent to have printed in the RECORD letters or statements from the following organizations: the Rainbow PUSH Coalition, the Main Street Alliance, Consumer Federation of America, and the National Black Church Initiative.

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

APRIL 1, 2011.

DEAR SENATOR: The Rainbow PUSH Coalition expresses its views on the Durbin swipe fee reform amendment now being debated in the Congress. Rainbow PUSH is a strong advocate of the Dodd-Frank financial reform legislation which provides critical consumer protections and safeguards against predatory lending.

The Durbin swipe fee reform amendment should be implemented as scheduled. It will usher in needed reform to bring competition, transparency and choice to the interchange system, and provide incentives for the retail sector to pass on interchange savings to lower the price of products for consumers. Numerous consumer rights organizations, civil rights groups, universities, unions, and other constituencies have weighed in to support swipe fee reform.

We respect the concerns that some groups have raised about the provision, but are unconvinced that a delay in its implementation as proposed by Sen. Tester and the American Banking Association (representing the financial services industry) will be beneficial to consumers and students, and small businesses. It appears that their interest is to maintain a deregulated environment to continue the virtual monopoly status of the credit card transaction process, and to protect their massive profits derived from debit interchange fees.

Deregulation, greed and lack of congressional oversight led to the most severe economic collapse since the great depression. But Wall Street got billions in public funds because they were deemed too big to fail—they've been bailed out and are once again recording record profits and issuing millions

in executive bonuses, while homeowners and working families are still left out. The big banks are already charging consumers higher interest rates and raising consumer fees to record levels in virtually every dimension of banking and credit card use. We stand ready to meet with all concerned to ensure the implementation of a sustainable debit card system going forward.

The Durbin credit card swipe fee amendment will afford the protections and regulations that consumers need.

Sincerely,

REVEREND JESSE L. JACKSON, SR.,
President and Founder,
Rainbow PUSH Coalition.

MARCH 31, 2011.

Senator DICK DURBIN,
Assistant Majority Leader, Hart Senate Bldg., Washington, DC.

DEAR SENATOR DURBIN: We write to express the National Black Church Initiative's continued support for the Durbin swipe fee amendment which we supported and was included in the Dodd-Frank Wall Street Reform and Consumer Protection Act. The current interchange system is uncompetitive, non-transparent and harmful to consumers. It is simply unjust to require less affluent Americans who do not participate in or benefit from the payment card or banking system to pay for excessive debit interchange fees that are passed through to the costs of goods and services. As a result, NBCI does not support Congressional delay of implementation of the new law.

As you may know, The National Black Church Initiative (NBCI) is a faith-based coalition of 34,000 churches comprised of 15 denominations and 15.7 million African Americans committed to eradicating racial disparities and improving the lives of African Americans nationwide.

We oppose efforts to delay implementation of the Durbin amendment through Congressional action. The new law gives the Federal Reserve adequate authority it can use without delay to make sure that the debit interchange reimbursement financial institutions receive covers their legitimate, incremental costs for providing debit card services. We know that there are banks, like BB&T for example, who would like to delay this process. Their continued profit off the backs of low income African Americans will no longer be tolerated and we will continue to advocate on behalf of laws that support our agenda.

From a consumer point of view, the current interchange system is not defensible. Feeble competition in the payment card marketplace has led to unjustifiably high debit interchange fees that the poorest Americans, generally cash customers, are required to subsidize at the store and at the pump.

Thank you for your consideration of our views. Please contact us directly to discuss these important issues.

Sincerely,

REV. ANTHONY EVANS,
President, National Black Church Initiative.

MARCH 31, 2011.

To: U.S. Senators and Representatives.

Re Main Street Alliance support for implementing debit interchange protections for small businesses in the Restoring American Financial Stability Act of 2010.

DEAR SENATOR DURBIN: The Main Street Alliance, a national network of small business coalitions representing small business owners across America, writes to express our strong support for the provision of the Restoring American Financial Stability Act of 2010 that set out to ensure that debit card interchange fees are reasonable and proportional. This provision is an important step toward putting small businesses back on stable footing by limiting burdensome fees on small businesses when we process debit transactions.

Small businesses have faced ever-rising fees on debit card transactions over the years. For some businesses, these interchange fees have grown to the point that they represent some of the highest operating costs, rivaling the costs of labor and utilities. There is no such thing as fair competition in this market: the card companies have a duopoly. Limiting fees to twelve cents per transaction, as proposed in new rules, will free small businesses from disproportionate and burdensome costs, allowing economic growth.

The new rules are a step forward, a step toward parity and a reasonable balance. We ask that these rules not be delayed further. Implementing them as planned this summer will provide a shot in the arm for small businesses and our local economies. Small businesses are better off with these protections; we urge you not to allow the lobbying tactics of the big banks deter the enactment of rules that protect small business.

The country is counting on small businesses to serve as an engine of economic recovery and create the jobs we need to get people back to work across America. The debit interchange provisions enacted in the financial overhaul last year and codified in the new rules support these aims. We urge you to fight efforts to delay or derail the implementation of these rules.

Mike Craighill, Soup and Such, Billings, MT; Garry Owen Ault, All Makes Vacuum, Boise, ID; Nancie Koerber, Champions Real Time Training, Central Point, OR; David Borris, Hel's Kitchen Catering, Northbrook, IL; Carson Lynch, Gorham Grind, Gorham, ME; Tammy Rostov, Rostov's Coffee & Tea, Richmond, VA.

Kelly Conklin, Foley-Waite Associates, Bloomfield, NJ; Melanie Collins, Melanie's Home Childcare, Falmouth, ME; Rashonda Young, Alpha Express, Inc., Waterloo, IA; Jose Gozalez, Tu Casa Real Estate, Salem, OR; Rosario Reyes, Las Americas Business Center, Lynnwood, WA.

CONSUMER FEDERATION OF AMERICA,
Washington, DC.

POSITION OF THE CONSUMER FEDERATION OF AMERICA ON DEBIT CARD ''INTERCHANGE'' FEE LEGISLATION AND RULES

NO POSITION ON DEBIT INTERCHANGE LAW OR ON LEGISLATION TO DELAY IT

CFA did not take a position on the ''Durbin Amendment'' to the Dodd-Frank Wall Street Reform and Consumer Protection Act and has also not supported or opposed legislation introduced in Congress to delay the interchange law.

FEDERAL RESERVE SHOULD ALTER PROPOSED RULE IMPLEMENTING DEBIT INTERCHANGE LAW

CFA filed comments with the Federal Reserve in February (http://www.consumerfed.org/pdfs/debit-cards-FRB-interchange-rule-comments–2–22–11.pdf) that came to the following conclusions:

The current interchange system is uncompetitive, non-transparent and harmful to consumers. Feeble competition in the payment card marketplace has led to unjustifiably high debit interchange fees that the poorest Americans are required to subsidize. It is simply unjust to require less affluent Americans who do not participate in or benefit from the payment card system to pay excessive fees that are passed through to the cost of goods and services.

The Federal Reserve should ensure that financial institutions are reimbursed for legitimate, incremental debit card costs as it finalizes rules that implement the new interchange requirements. In particular, the Federal Reserve should increase proposed interchange price standards as allowed under law to include several specific expenses incurred by financial institutions when processing debit card transactions. If such compensation does not occur, these institutions could increase debit card and other related banking charges on their least desirable and most financially vulnerable consumers: low-to-moderate income account holders.

Once it is implemented, the Federal Reserve should pay close attention to how it affects the financial viability of small depository institutions, especially credit unions, which often provide safe, lower-cost financial services to millions of Americans.

The Federal Reserve should launch a broad, balanced study upon implementation of the effects of the rule on consumers.

CONGRATULATION TEXAS A&M LADY AGGIES

Mrs. HUTCHISON. Mr. President, something happened last night, and I feel compelled to say on the floor of the Senate that I am very proud of the Texas Aggies women who won the NCAA national basketball championship.

It is so important, I want to say a couple of words about that, because this is the first national championship that the Lady Aggies have ever won. It was a great game last night. I certainly congratulate the Notre Dame Fighting Irish as well. But the Texas Aggies played with spirit. They came from behind at the half, and 76 to 70, they defeated Notre Dame.

I congratulate the Texas Aggie ladies, but I also want to say that Texas A&M's coach, Gary Blair, became the oldest coach to ever win a national women's championship. He has turned the Lady Aggies basketball team into this national championship team.

I mention Danielle Adams. Her All American performance last night was incredible. It is a great day. I am a Texas Longhorn, and most days I am for all of our Texas teams, and I love to say ''Gig 'Em Aggies.'' There is one day that I cannot say that. That is Thanksgiving Day. But 364 days a year, I am all for the Aggies when they are playing. And when they played like they did last night in any sport, all America should recognize it.

With that, I wish to say that my colleague Senator CORNYN and I are going to ask unanimous consent to offer a resolution congratulating the Lady Aggies of Texas A&M on winning the 2011 National Collegiate Athletic Association women's basketball championship.

Mr. CORNYN. Mr. President, congratulations to the Texas A&M Women's Basketball team for their NCAA Women's Division I Basketball Championship victory against Notre Dame. The game was an exciting and hard fought victory, and a fitting end to a championship season.

Thanks to the Aggies's hard work, determination and tireless work ethic, they have finished out the 2010–2011 season with a strong 33–5 record, second place finish in the Big 12 Conference and a National Championship title.

I salute head coach Gary Blair for coaching the Aggies to their first NCAA Women's Division I Basketball Championship after 38 years of helping young women compete and reach their full potential. Associate head coaches Vic Schaefer and Kelly Bond, and assistant coach Johnnie Harris also worked to lead the team to this fine achievement. And the Lady Aggies's success would be incomplete without great athletes such as MVP and All-American, Danielle Adams and her teammates: Kelsey Assarian, Maryann Baker, Kristi Bellock, Kelsey Bone, Sydney Carter, Skylar Collins, Sydney Colson, Adaora Elonu, Karla Gilbert, Kristen Grant, Adrienne Pratcher, Catherine Snow, Tyra White, and Cierra Windham.

Today, it is my honor to join with the entire Texas A&M University family and the State of Texas to honor the Aggies. This team has learned what it takes to become national leaders. The experience that each of these athletes has gained in this endeavor is invaluable, and it will surely lead to future success in life.

The following article written by Dawn Lee Wakefield for the Examiner.com describes Coach Blair's and the Aggies's persistent and positive approach to the game and this exciting championship series:

[From the Texas A&M University Arts Examiner, Apr. 6, 2011]

TEXAS A&M WOMEN'S BASKETBALL, NCAA CHAMPIONS WIN IT FOR THE AGGIE FAMILY

(By Dawn Lee Wakefield)

BRYAN-COLLEGE STATION.—Texas A&M University sports fans around the world celebrated another important first tonight, their very first NCAA Women's Basketball Championship. For almost as long as TAMU Women have been competing in NCAA athletic competition, the road has been long, and the ability to gain respect for the team has been tough. A real battleground in fact. Even as recently as four months ago, you couldn't get a crowd into Reed Arena to see the Lady Aggies play basketball. But that all changed tonight, in 40 short minutes of play, in the heart of Indianapolis, Indiana, seen around the world on ESPN.

On-campus support for TAMU Athletic teams, by the Aggie student body is legendary, for that trademarked 12th Man Spirit. Even more in the forefront of all sports is the 12th Man Foundation (formerly the Aggie Club), whose mission it is to garner funds and endowments by which to support Texas A&M Athletics. And yet, it was not all that long ago that a few hundred stalwart fans would arrive at Reed Arena (there was no charge to park as in men's games, because they really didn't expect much of a crowd), that Coach Blair himself would walk up and down the steps of Reed Arena, carrying bags of candy, tossing them to fans and thanking them for coming.

Never one to be subtle, Coach Blair would work the crowd by saying, ''bring a friend next time, bring two friends; let's fill this place!'' After each game, the Lady Aggies didn't head to the locker rooms to rest after a hard-fought game right away. Instead, they would come up into the stands and thank people for coming. Week after week, game by game, it simply mystified the Aggie faithful in attendance as to ''what are they thinking'' about why the TAMU Athletic Ticket office wasn't being pushed for ticket sales. Every game the Lady Aggies gained style, grace, accuracy, and stature and yet, the only crowds of Aggies lined up to camp out for ticket-pulls for student tickets were for the men's games.

They didn't know what they were missing, the ones who weren't there. They were missing the faithful Aggie Yell Leaders leading the crowd, the Hullaballoo band doing a rendition of ''Sweet Caroline'' that would make Neil Diamond proud, and the crowd responding, ''Aggies Ball!'' every time PA announcer Mark Edwards would identify ball possession for the team. Mike Wright and Tap Bentz, with their radio play-by-play, kept those in touch who couldn't get there in person, and local TV KBTX did their best to show highlights. And yet, the second deck of Reed was filled only once, when Baylor came calling. With a solid loss at the hands of the Greiner-Mulkey-driven offense, those who'd come to see the game left, and some didn't come back. That didn't faze the Lady Aggies or the coaching staff.

As part of Coach Blair's and Coach Schaefer's mandate, the Lady Aggies participate in a multitude of community charity events. One night last October, the starting players and waiting-in-line players crowded into a Double Dave's to participate in a pepperoni-roll making contest against the men's team, and then stayed to visit with the crowd, thank them for coming out to support them, by contributing to United Way, and once again, they went home to study. They're some of the hardest-working kids in town, and yet the words ''national champions'' were never spoken, or expected by those who loved them 'anyway'.

It is surreal to some to think that, the newly crowned national champions, Texas Aggie Women's Basketball, has for years remained the best kept secret on campus. Until tonight.

Throughout the NCAA championship series, the Lady Aggie basketball team overcame naysayers, doubters, and brutal physical competition in the most exciting display of Aggie spirit shown in years. They did it by creating a sense of family, with whomever embraced their love of basketball, the coaching staff, and Texas A&M University. Never was the spirit of Aggieland greater than after each game, seeing President Loftin (easily recognizable in his signature bow tie) in the middle of a long line of Aggies, ''sawing varsity's horns off'' as they sang the Texas Aggie fight song after each victory. Local business sponsors paid countless thousands of dollars to create ''jewelry cam'', ''kiss cam'', ''know your Aggie players—what's on their iPod'', ''the berney cam'' and flying blimps to make each game an event, an exciting event, and share the love of family Aggie basketball style.

The prelude to the national championship was nothing short of high-octane spectacular. Almost 500 Aggie fans waited in the basement of Reed Arena in the Aggie practice room 3 weeks ago, to find out what the NCAA draw would be, and where they were to begin their journey to the Sweet Sixteen. When the announcement came on ESPN, ''Shreveport'', the cheers were deafening as Aggie fans knew they were within driving distance to watch the first, and hopefully second, round of play as the bracket opened, and the race was on, the only goal at the time, to make the Sweet 16, out of the Superb 64.

Just being in the NCAA championship was enough, almost, for most Aggie fans. It was an unprecedented thrill to think that this year's team had the perfect combination of talent, strategy, coaching staff, and the hearts and minds of players who refused to let go of one goal, and one goal only: Victory. Getting that W. The girls studied in buses, on planes, at 2 a.m. when the rest of Aggieland was fast asleep. The Lady Aggies knew how important it was to stay true to the title ''student-athletes''.

On March 20th in Shreveport, the CenturyTel Center still had plenty of room in the stands for Aggie fans, but the faithful alumni, friends, and fans of the Lady Aggies made the pilgrimage with joy and great expectation to watch them defeat McNeese State by the score of 87 to 47. The crowd reaction was joyful, and yet people were just thrilled to be there, not thinking much about the next game to come against Rutgers. When the Lady Aggies made short work of Rutgers with a score of 70 to 48, the Aggie family was again surprised, if not thrilled, to be going to the Sweet 16, at last.

Advancing to the NCAA 3rd round on March 27th, again, Aggie fans picked up numbers, if not their speed, as they gassed up their cars and planes for the short hop to Dallas, to the American Airlines center to watch their team face Georgia's Lady Bulldogs. Georgia was at first an 'unknown quantity with potential and power,' but the Lady Aggies came to play, making short work of their solid opponent, 79 to 38, in a game that looked much like a 3-point shooting clinic. The work of the Big D, defense, proved to be a powerful force meeting an immovable object.

Not only was Tuesday, March 29th the occasion of the 4th round of the NCAA finals, that Elite 8 night, it marked the 4th matchup between Texas A&M and the highly advertised Baylor Bears. Three times, the Aggies had met them; three times they had fallen, as hard as Kim Mulkey's snakeskin jacket hit the ground in disgust one night when she didn't like the referee calls.

Although 11,000+ fans crowded into Dallas' American Airlines Center to watch ''The 4th time's (hopefully) a Charm'' matchup, the gold and green far outweighed the maroon and white in the seats. And yet, the Aggies gathered, the faithful, were loud, proud, and the happiest people in the state of Texas with a victory that was hard fought, in a night where the Lady Aggies refused, again, to give in to negative expectations. Instead, they focused mentally on the ''+'' sign that Coach Blair draws on the back of his left hand, self-created to remind him to stay positive throughout the game.

''They're kids, 18–22, and this is just a game'' as he announced as a reminder to all that sports were about sportsmen and sportswomen, in the spirit of competition. Lessons well taught. Lessons well learned. Every after-game interview, you'd hear one word above the rest. ''TEAM''. No stars, even among the player of the game. It was ''my team, our team, this team''. The class possessed by the Lady Aggies spoke for itself, loud and clear.

The chant went up, ''Final Four, Final Four'' after the Lady Aggies stunned Baylor, 58 to 46. The Aggie faithful didn't want to leave the American Airlines center as they stood and swayed to the Aggie war hymn, and watched each member of the team, the yell leaders, Lady Aggie Dance Team, Hullaballoo band, staff, and the sports announcers each cut down a piece of the winning game net. Coach Blair thanked everyone for coming and encouraged people who could to make that trip to Indianapolis to root on their team in the Final Four.

Outside the arena in the hallways of the American Airlines center, Aggie faithful

made new friends among those who'd lingered to absorb the joy of the Elite Eight to Final Four pathway. With tears in their eyes and joy shining from their countenance, three women introduced themselves to the BCS fans, saying ''that's our Coach, that's our Coach'' about Blair. Turns out they'd been his players at South Oak Cliff High School. And, true to form, Coach Blair had mentioned each and every team he'd been a part of in his thank-you speech following the game. A man who's never forgotten who brung him to the dance, was now ''going to the dance'' in Indianapolis.

Though the distance was longer, those who could afford the charter planes, the buses, or the time and gas to drive made their plans to attend the Final Four in Indianapolis. The Final Four was in store, and all eyes were only on the prize of eliminating the Stanford Cardinal. No other goal was announced. Stanford was considered in the same light as the Aggies. A number 2 seed. Overlooked. Relegated to the category of ''nice, but not a contender''.

How wrong the rankings can be in predicting who is the champion of the day. The oft-used expression, ''any given day'' was never more true than when the Lady Aggies went back to work, and walked out of Conseco Field House with a 63 to 62 win, thanks to Sydney Colson's pass to Tyra White for the layup, and 39 minutes and 45 seconds of defense, defense, defense, and the hot shooting arms of every player who made their play a key' play. Fans were stunned. It seemed too good to be true.

The Championship game was in sight, and the Championship title was at stake. Could it be, that same team, who 16 short weeks ago couldn't find a crowd had emerged as a national powerhouse, a force to be reckoned with, was now the darling of ESPN up-close interviews, sound bytes by Blair, and the contemplation of Vic Schaefer's 'drawing board' where he'd drive that defense to excellence each and every game of the way. Blair and Schaefer, together with Associate Head Coach Kelly Bond and Assistant Head Coach, Johnnie Harris, are not to be overlooked. Team. Family. United. Aggies. Spirit personified filled each player with a sense of family such that even the motto printed on the tickets at the beginning of the season read, ''This is Home''.

So, tonight, as Texas A&M set out to prove their worth outside the walls of their hometown, they were taking on a first-class team with a second-tier rating in Notre Dame. It was the Fighting Texas Aggies vs. the Fighting Irish. How appropriate. For 40 minutes of regulation play, all these players did was fight, not against each other as much as against misperceptions, being overlooked, disregarded, and essentially underappreciated as the true champions each team came to be realized before the game started.

Aggie fans throughout the Brazos Valley jammed the restaurants, bars, and homes of their friends, anywhere there was a TV powered 'on', it was tuned to ESPN from 6 p.m. central until at least midnight, as the Women's Basketball team pulled out all the stops on offense and defense.

With a ''never-say-die'' spirit, the can-do Aggies, led by America's favorite new coach, Gary Blair, and King of Defense, Vic Schaefer, let loose and held forth as the Aggies pulled out a 76–70 victory that still seems unreal, unless you saw it yourself. Never. Say. Die. The Lady Aggies, per Coach Blair's pre-game speech, stayed on the bus, to come out winners. Said Blair, ''if you don't plan on winning tonight, then get off the bus. There's only one thing that counts. Winning''. Taking his words to heed, each team member committed to that outcome, and emerged the first national champions in Texas A&M Women's basketball. History was made.

Throughout the NCAA series the team: MVP Danielle Adams, Tyra White, Sydney Carter, Sydney Colson, Adora Elonu, Maryann Baker, Adrienne Pratcher, Kelsey Assarian, Karla Gilbert, Kristi Bellock—battered, bruised, in visible pain, tossed and slammed onto the floors of field houses, arenas, and stadiums, play after play, time after time, just got back up and showed America what it meant to be a proud 'Fightin' Texas Aggie'.

''Some may boast of prowess bold, of the school they think so grand, but there's a spirit that's ne'er been told. It's the Spirit of Aggieland. We are the Aggies, the Aggies are We, true to each other as Aggies can be. We've got to fight boys (old traditions die hard), we've got to fight, we've got to fight for maroon and white. After they've boosted all the rest, they will come and join the best, for we are the Aggies, the Aggies are we. We're from Texas AMC''. The words to the school song never sounded sweeter as they did to those who witnessed history in the making, in a fieldhouse in Indianapolis.

Wednesday, April 6th at 2 p.m., history will be made once again. The Lady Aggies will be at Reed Arena to be greeted by their Texas Aggie family, the Aggie Nation, and at last their time has come. Word to the wise: get there early if you're going. For the first time in the history of Women's basketball, there's going to be a parking problem to welcome home the champions.

The Lady Aggies have brought honor, dignity, and joy to those who call TAMU their team. Sunday night, TV audiences were treated to a one-shot of a little fellow holding up a cardboard sign saying, ''Coach Blair is my hero''. That went viral across Facebook and Twitter. Turns out, it was the coach's grandson, Logan. His sign tonight, shown to the nation, said, ''after we win Coach Blair is taking me to Disneyland''. That only seems fair, as Coach Blair took Aggies everywhere to the top of the college sports world tonight. And it was the ride of a lifetime, and sheer joy every minute of every game of every season. Gig em, Aggies, for tonight you are indeed the NCAA Champions.

NONPROLIFERATION BUDGET

Mr. CASEY. Mr. President, I rise today to discuss the proposed cuts to nuclear nonproliferation programs in the continuing resolution, which I believe seriously endangers our Nation's security. When the Senate was presented with H.R. 1, the House's fiscal year 2011 appropriations bill, we all knew that sacrifices were needed. We knew that we needed to examine programs and determine which were broken, which were redundant, and which needed to be eliminated. Likewise, we also had a responsibility to determine which programs worked and provided positive returns on investments for our security and economic stability.

I would assert that the National Nuclear Security Administration's, NNSA, nonproliferation programs fall into this category. For the past decade, one threat has dominated our national security agenda: the threat of a nuclear weapon in the hands of a terrorist.

Yet when H.R. 1 passed in February, the House proposed a 24-percent cut to the President's request for NNSA nonproliferation programs. These cuts would endanger programs that have removed a total of 120 bombs' worth of highly enriched uranium, HEU, and nuclear material from six countries since April 2009. This past November, enough HEU to make 775 nuclear weapons was removed from Kazakhstan. I would consider these outcomes an underreported, yet remarkable success. I question why such highly effective programs, vital to our national security interests, were targeted in the first place.

I would contend that should a terrorist set off a nuclear or radiological explosion, the physical, psychological and economic consequences would far exceed the money saved by these shortsighted cuts.

The Congressional Commission on the Strategic Posture of the United States stated that ''the surest way to prevent nuclear terrorism is to deny acquisitions of nuclear weapons or fissile material,'' and that the United States should ''accelerate'' not decelerate the process of securing nuclear material. In the Commission's opinion this should be ''the top priority'' for the United States, especially in light of al-Qaida's expressed desire to obtain nuclear material or weapons.

H.R. 1 cuts more than $600 million from the Global Threat Reduction Initiative, which seeks to secure nuclear material before it ends up in terrorist hands. These program cuts are not only irresponsible, they are negligent.

Nonproliferation programs are a vital part of our Nation's security and should be treated as such. This view is shared by former Presidents and national security experts and has been included in our National Security Strategy that was developed by various agencies, including the Departments of Defense, State and Energy, as well as the National Security Council. In a July 14, 2010 letter to the chairman and ranking member of the Senate Foreign Relations Committee, former Secretary of State George Shultz and former Chair of the Senate Armed Services Committee Sam Nunn wrote that they ''believe the threat of nuclear terrorism remains urgent, fueled by the spread of nuclear weapons, materials and technology around the world.'' They further concluded that it ''is absolutely essential'' for the United States and Russia to lead these efforts.

I urge my colleagues today for their support in ensuring that we do all we can to limit the ability of terrorists to get their hands on fissile material. We all recognize and have referred to this threat. And now we have an opportunity to do something about it. Nuclear proliferation is a top concern and we as a nation can effectively lead the world in nuclear security and decrease the threat posed by nuclear terrorism.

ADDITIONAL STATEMENTS

FREDDIE AND ERNEST TAVARES

● Mr. AKAKA. Mr. President, I congratulate Hawaiian music legends Frederick ''Freddie'' and Ernest Tavares for receiving the Lifetime Achievement Award from the Hawaii Academy of Recording Arts in recognition of their contributions to the music industry.

Born and raised on the island of Maui, Freddie and Ernest Tavares exhibited musical talent at an early age. Both men enjoyed long careers in music and played important roles in popularizing Hawaiian music across the United States.

As a musician, Ernest did it all. He was a singer-songwriter, arranger, and inventor. His innovations led to the creation of the modern pedal steel guitar, which he played with the Harry Owens Royal Hawaiian Orchestra, Paul Page's South Sea Serenade, and T. Texas Tyler & His Western Dance Band. He also played the electric bass, ukulele, flute, clarinet, saxophone, piano, and Hawaiian & Tahitian drums.

Freddie Tavares, Ernest's younger brother, shared this love of music and innovation. Collaborating with guitar legend Leo Fender, Freddie played an important role in designing the Fender Stratocaster, a guitar that is the standard for many rock musicians. His work and dedication earned him induction into the Steel Guitar Hall of Fame and the Fender Hall of Fame. Freddie also performed with many notable artists, such as Bing Crosby, Elvis Presley, Dean Martin, the Andrews Sisters, and Henry Mancini.

Throughout their musical careers, Freddie and Ernest Tavares performed in many record albums and movie soundtracks. Both brothers also collaborated in numerous performances and shows. Their many talents and innovations had a great impact on the music industry and made Hawaii proud.

Long before being elected to Congress, I taught music and band in Hawaii's schools, and I am honored to recognize Freddie and Ernest for their numerous and invaluable accomplishments in the music business. Although both brothers are no longer with us, I extend my aloha and sincere thanks to the Tavares family for keeping the legacy of Freddie and Ernest Tavares alive.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:09 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4. An act to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

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 Ms. STABENOW:

S. 734. A bill to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Education; to the Committee on Energy and Natural Resources.

By Mr. KERRY:

S. 735. A bill to reauthorize the Belarus Democracy Act of 2004; to the Committee on Foreign Relations.

By Mr. BROWN of Ohio:

S. 736. A bill to improve the Fugitive Safe Surrender Program; to the Committee on the Judiciary.

By Mr. MORAN (for himself and Mr. CRAPO):

S. 737. A bill to replace the Director of the Bureau of Consumer Financial Protection with a 5-person Commission, to bring the Bureau into the regular appropriations process, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. STABENOW (for herself and Ms. COLLINS):

S. 738. A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning; to the Committee on Finance.

By Mr. LEVIN (for himself, Mr. SCHUMER, Mr. ALEXANDER, Mr. KERRY, Ms. MURKOWSKI, Mr. BINGAMAN, Mr. MERKLEY, and Ms. STABENOW):

S. 739. A bill to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the Senate at no net cost to the Federal Government; to the Committee on Rules and Administration.

By Mr. REED (for himself, Ms. MURKOWSKI, Mr. DURBIN, and Mr. UDALL of New Mexico):

S. 740. A bill to revise and extend provisions under the Garrett Lee Smith Memorial Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of New Mexico (for himself, Mr. UDALL of Colorado, Mr. BENNET, Mr. CARDIN, Mr. KERRY, Mr. MENENDEZ, Mr. MERKLEY, Mr. SANDERS, Mr. WHITEHOUSE, and Ms. KLOBUCHAR):

S. 741. A bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a renewable electricity standard, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWN of Ohio:

S. 742. A bill to amend chapters 83 and 84 of title 5, United States Code, to set the age at which Members of Congress are eligible for an annuity to the same age as the retirement age under the Social Security Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. AKAKA (for himself, Ms. COLLINS, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. LEVIN, Mr. CARPER, Mr. LEAHY, Mr. HARKIN, Mr. PRYOR, Ms. LANDRIEU, Mrs. MCCASKILL, Mr. TESTER, Mr. BEGICH, and Mr. CARDIN):

S. 743. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN (for himself, Mrs. FEINSTEIN, Mr. LIEBERMAN, and Mr. KERRY):

S. 744. A bill to authorize certain Department of State personnel, who are responsible for examining and processing United States passport applications, to access relevant information in Federal, State, and other records and databases, for the purpose of verifying the identity of a passport applicant and detecting passport fraud, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 745. A bill to amend title 38, United States Code, to protect certain veterans who would otherwise be subject to a reduction in educational assistance benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SHELBY (for himself, Mr. DEMINT, Mr. ALEXANDER, Mr. COBURN, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. ENSIGN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. KIRK, Mr. KYL, Mr. LEE, Mr. MCCONNELL, Mr. MORAN, Mr. PAUL, Mr. RISCH, Mr. SESSIONS, Mr. THUNE, Mr. TOOMEY, Mr. VITTER, and Mr. WICKER):

S. 746. A bill to repeal provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRAPO (for himself, Mr. KOHL, Ms. COLLINS, and Mr. PORTMAN):

S. 747. A bill to amend title 23, United States Code, with respect to vehicle weight limitations applicable to the Interstate System, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Mr. BINGAMAN, and Mr. KERRY):

S. 748. A bill to amend the Internal Revenue Code of 1986 to expand the definition of cellulosic biofuel to include algae-based biofuel for purposes of the cellulosic biofuel producer credit and the special allowance for cellulosic biofuel plant property; to the Committee on Finance.

By Mr. DURBIN (for himself, Mrs. BOXER, Mr. CARDIN, Mr. FRANKEN, Mr. HARKIN, Mr. KERRY, Ms.

KLOBUCHAR, Mr. LEAHY, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mrs. SHAHEEN, and Mr. TESTER):

S. 749. A bill to establish a revenue source for fair elections financing of Senate campaigns by providing an excise tax on amounts paid pursuant to contracts with the United States Government; to the Committee on Finance.

By Mr. DURBIN (for himself, Mrs. BOXER, Mr. CARDIN, Mr. FRANKEN, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mrs. SHAHEEN, and Mr. TESTER):

S. 750. A bill to reform the financing of Senate elections, and for other purposes; to the Committee on Rules and Administration.

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

S. 751. A bill to require the Secretary of Commerce to develop a comprehensive national manufacturing strategy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself, Mr. ISAKSON, and Mr. KERRY):

S. 752. A bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 753. A bill to require the Assistant Secretary of Commerce for Economic Development to establish an early-stage business investment and incubation grant program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. NELSON of Nebraska (for himself, Mr. DURBIN, Ms. CANTWELL, and Mrs. MURRAY):

S. Res. 132. A resolution recognizing and honoring the zoos and aquariums of the United States; to the Committee on Environment and Public Works.

By Mr. FRANKEN:

S. Res. 133. A resolution to require that new war funding be offset; to the Committee on the Budget.

By Ms. STABENOW (for herself, Mr. ISAKSON, Mr. UDALL of Colorado, Mr. JOHANNS, and Mrs. HUTCHISON):

S. Res. 134. A resolution supporting the designation of April as Parkinson's Awareness Month; considered and agreed to.

By Mr. INHOFE:

S. Con. Res. 11. A concurrent resolution expressing the sense of Congress with respect to the Obama administration's discontinuing to defend the Defense of Marriage Act; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 146, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 227

At the request of Ms. COLLINS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 227, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 339

At the request of Mr. BAUCUS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor 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. 398

At the request of Mr. BINGAMAN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 398, a bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes.

S. 431

At the request of Mr. PRYOR, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 491

At the request of Mr. PRYOR, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 578

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 578, a bill to amend title V of the Social Security Act to eliminate the abstinence-only education program.

S. 595

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

S. 668

At the request of Mr. CORNYN, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 668, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 671

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

S. 691

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 691, a bill to support State and tribal government efforts to promote research and education related to maple syrup production, natural resource sustainability in the maple syrup industry, market promotion of maple products, and greater access to lands containing maple trees for maple-sugaring activities, and for other purposes.

S. 705

At the request of Mr. CARPER, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 705, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 707

At the request of Mr. DURBIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 712

At the request of Mr. DEMINT, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 712, a bill to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

S. 720

At the request of Mr. THUNE, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 720, a bill to repeal the CLASS program.

S. 724

At the request of Mrs. HUTCHISON, the names of the Senator from New Hampshire (Ms. AYOTTE), the Senator from Ohio (Mr. PORTMAN), the Senator from Maine (Ms. COLLINS), the Senator from Nebraska (Mr. JOHANNS), the Senator from Texas (Mr. CORNYN), the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. KYL), the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from Utah (Mr. LEE), the Senator from South Dakota (Mr. THUNE), the Senator from Idaho (Mr. CRAPO), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Michigan (Ms. STABENOW), the Senator from Utah (Mr. HATCH), the Senator from Kansas (Mr. ROBERTS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Florida (Mr. RUBIO), the Senator from South Carolina (Mr. GRAHAM), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from

Idaho (Mr. RISCH), the Senator from Kansas (Mr. MORAN), the Senator from Wyoming (Mr. BARRASSO), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Indiana (Mr. COATS) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 724, a bill to appropriate such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, and supporting civilian and contractor personnel continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of nonemergency personnel and the curtailment of Government activities and services.

S. RES. 80

At the request of Mr. KIRK, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 80, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 86

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 86, a resolution recognizing the Defense Intelligence Agency on its 50th Anniversary.

S. RES. 99

At the request of Mr. DEMINT, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. Res. 99, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 125

At the request of Mr. UDALL of New Mexico, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 125, a resolution supporting the goals and ideals of National Public Health Week.

AMENDMENT NO. 207

At the request of Mr. SANDERS, the names of the Senator from Nevada (Mr. REID), the Senator from New York (Mr. SCHUMER), the Senator from Rhode Island (Mr. REED), the Senator from Iowa (Mr. HARKIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Washington (Ms. CANTWELL), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 207 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 281

At the request of Mr. COBURN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 281 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 285

At the request of Mr. ROCKEFELLER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 285 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself, Mr. SCHUMER, Mr. ALEXANDER, Mr. KERRY, Ms. MURKOWSKI, Mr. BINGAMAN, Mr. MERKLEY, and Mrs. STABENOW):

S. 739. A bill to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the Senate at no net cost to the Federal Government; to the Committee on Rules and Administration.

Mr. LEVIN. Mr. President, today a bipartisan group of Senators has introduced legislation that would allow the Senate to continue its leadership of our country toward a clean-energy future. Senators SCHUMER, ALEXANDER, KERRY, MURKOWSKI, BINGAMAN, and I have introduced a bill that would authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the Senate at no net cost to the Federal Government.

Among the most successful job-creation efforts we have undertaken since the financial crisis devastated our economy is our attempt to help American manufacturers create the batteries and other components that will power the next generation of electric-powered vehicles. In my State of Michigan and in other places around the country, the grant program we enacted as part of the Recovery Act has sparked a boom of manufacturing job creation. Given a choice between watching our global competitors create those jobs and creating them in the United States, we have chosen the wiser course.

This has been part of a larger, and largely successful, effort to support the electric revolution in transportation. President Obama's goal of 1 million electric vehicles on the road by 2015 is one part of that effort. He announced last week that by 2015, the government will buy only alternative-energy vehicles for its fleets as part of a strategy to cut U.S. oil imports by 1/3. Such a strategy would help our country economically, protect our environment and enhance our national security.

The legislation we introduce today is another, though smaller, part of that effort. It would ensure that the Senate leads by example as we transition to a clean-energy future. It would establish—at no net cost to the taxpayer—charging stations to power plug-in hybrid electric vehicles. While these vehicles are an important part of our future, they will bring changes in how we think about cars and driving. Instead of looking for gas stations, drivers will need charging stations where they can replenish the batteries that power their vehicles.

The President and others have proposed plans to help encourage the creation of that infrastructure in communities around the country. So should the Senate. This bill would ensure that Senate employees have available the infrastructure to support next-generation vehicles. It would be an important statement of leadership from the Senate. It would provide an example to other employers of how they can support both the needs of their employees and our national interest in energy security.

I am thankful for the support of Senators SCHUMER, ALEXANDER, KERRY, MURKOWSKI, and BINGAMAN on this bill, and for the assistance of the staffs of Senators SCHUMER and ALEXANDER on the Rules Committee. These Senators have recognized the value of Senate leadership in moving our nation toward a future liberated from imported oil, and I hope our other colleagues will as well.

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

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

S. 739

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

SECTION 1. BATTERY RECHARGING STATIONS FOR PRIVATELY OWNED VEHICLES IN PARKING AREAS UNDER THE JURISDICTION OF THE SENATE AT NO NET COST TO THE FEDERAL GOVERNMENT.

(a) DEFINITION.—In this Act, the term ''covered employee'' means—

(1) an employee whose pay is disbursed by the Secretary of the Senate; or

(2) any other individual who is authorized to park in any parking area under the jurisdiction of the Senate on Capitol Grounds.

(b) AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (3), funds appropriated to the Architect of the Capitol under the heading ''CAPITOL POWER PLANT'' under the heading ''ARCHITECT OF THE CAPITOL'' in any fiscal year are available to construct, operate, and maintain on a reimbursable basis battery recharging stations in parking areas under the jurisdiction

of the Senate on Capitol Grounds for use by privately owned vehicles used by Senators or covered employees.

(2) VENDORS AUTHORIZED.—In carrying out paragraph (1), the Architect of the Capitol may use 1 or more vendors on a commission basis.

(3) APPROVAL OF CONSTRUCTION.—The Architect of the Capitol may construct or direct the construction of battery recharging stations described under paragraph (1) after—

(A) submission of written notice detailing the numbers and locations of the battery recharging stations to the Committee on Rules and Administration of the Senate; and

(B) approval by that Committee.

(c) FEES AND CHARGES.—

(1) IN GENERAL.—Subject to paragraph (2), the Architect of the Capitol shall charge fees or charges for electricity provided to Senators and covered employees sufficient to cover the costs to the Architect of the Capitol to carry out this section, including costs to any vendors or other costs associated with maintaining the battery recharging stations.

(2) APPROVAL OF FEES OR CHARGES.—The Architect of the Capitol may establish and adjust fees or charges under paragraph (1) after—

(A) submission of written notice detailing the amount of the fee or charge to be established or adjusted to the Committee on Rules and Administration of the Senate; and

(B) approval by that Committee.

(d) DEPOSIT AND AVAILABILITY OF FEES, CHARGES, AND COMMISSIONS.—Any fees, charges, or commissions collected by the Architect of the Capitol under this section shall be—

(1) deposited in the Treasury to the credit of the appropriations account described under subsection (b); and

(2) available for obligation without further appropriation during—

(A) the fiscal year collected; and

(B) the fiscal year following the fiscal year collected.

(e) ANNUAL REPORTS.—Not later than 30 days after the end of each fiscal year, the Architect of the Capitol shall submit a report on the financial administration and cost recovery of activities under this section with respect to that fiscal year to the Committee on Rules and Administration of the Senate.

(f) EFFECTIVE DATE.—This Act shall apply with respect to fiscal year 2011 and each fiscal year thereafter.

By Mr. REED (for himself, Ms. MURKOWSKI, Mr. DURBIN, and Mr. UDALL of New Mexico):

S. 740. A bill to revise and extend provisions under the Garrett Lee Smith Memorial Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. I am pleased to be joined by Senators MURKOWSKI, DURBIN, and TOM UDALL in the introduction of the Garrett Lee Smith Memorial Act Reauthorization.

This legislation continues the important work of my former colleague Senator Gordon Smith, who authored the original law, which was named for his 22-year old son, Garrett, who was a student at Utah Valley University when he took his own life. I want to once again recognize Gordon Smith for his work to champion suicide prevention and mental health initiatives.

Currently, this law supports 35 States, 16 Tribes and Tribal organizations, and 38 colleges and universities in their efforts to prevent youth suicide. Indeed, with the help of these important programs, we have made real progress since the 2004 passage of this law in identifying at-risk youth and young adults, providing proven mental health and substance use disorder treatments, and educating the public about youth suicide prevention efforts.

Unfortunately, suicide remains the third leading cause of death for adolescents and young adults age 10 to 24, and results in 4,400 lives lost each year. According to the Centers for Disease Control and Prevention, approximately 150,000 individuals in this age group annually receive medical care for self-inflicted injuries at Emergency Departments across the U.S.

Suicide is particularly prevalent among college-age students as it is the second leading cause of death, resulting in approximately 1,100 deaths each year. The 2010 National Survey of Counseling Center Directors at colleges and universities found that 10.8 percent of students seek counseling each year, an increase of nearly 1 percent from 2009. At the same time, the average ratio of counselors to students has remained constant at one to 1,786.

Many young people who commit suicide have a treatable mental illness, but they don't get the help they need. The legislation we introduced today provides critical resources for prevention and outreach programs to reach at risk youth before it is too late.

It would increase the authorized grant level to States, tribes, and college campuses for the implementation of proven programs and initiatives designed to address mental health and wellness and reduce youth suicide.

Additionally, I am particularly pleased that the bill would enable college counseling centers to have greater flexibility in their use of Federal resources. Counseling centers will continue to be able to apply for funds to operate suicide prevention hotlines and organize educational and awareness efforts about youth suicide prevention; however, with this bill they will also be able to use funds for the provision of counseling services to students and the hiring of appropriately trained personnel. These two components are integral to identifying and treating students who may be at risk with the goal of preventing suicide and attempted suicide on campuses.

Our bipartisan legislation is supported by 43 coalition members of the Mental Health Liaison Group and the American Council on Education.

Mr. President, I unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

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

S. 740

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Garrett Lee Smith Memorial Act Reauthorization of 2011''.

SEC. 2. SUICIDE PREVENTION TECHNICAL ASSISTANCE CENTER.

(a) REPEAL.—Section 520C of the Public Health Service Act (42 U.S.C. 290bb–34) is repealed.

(b) SUICIDE PREVENTION TECHNICAL ASSISTANCE CENTER.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) (as amended by subsection (a)) is amended by inserting after section 520B the following:

''SEC. 520C. SUICIDE PREVENTION TECHNICAL ASSISTANCE CENTER.

''(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall establish a research, training, and technical assistance resource center to provide appropriate information, training, and technical assistance to States, political subdivisions of States, federally recognized Indian tribes, tribal organizations, institutions of higher education, public organizations, or private nonprofit organizations concerning the prevention of suicide among all ages, particularly among groups that are at high risk for suicide.

''(b) RESPONSIBILITIES OF THE CENTER.—The center established under subsection (a) shall—

''(1) assist in the development or continuation of statewide and tribal suicide early intervention and prevention strategies for all ages, particularly among groups that are at high risk for suicide;

''(2) ensure the surveillance of suicide early intervention and prevention strategies for all ages, particularly among groups that are at high risk for suicide;

''(3) study the costs and effectiveness of statewide and tribal suicide early intervention and prevention strategies in order to provide information concerning relevant issues of importance to State, tribal, and national policymakers;

''(4) further identify and understand causes and associated risk factors for suicide for all ages, particularly among groups that are at high risk for suicide;

''(5) analyze the efficacy of new and existing suicide early intervention and prevention techniques and technology for all ages, particularly among groups that are at high risk for suicide;

''(6) ensure the surveillance of suicidal behaviors and nonfatal suicidal attempts;

''(7) study the effectiveness of State-sponsored statewide and tribal suicide early intervention and prevention strategies for all ages particularly among groups that are at high risk for suicide on the overall wellness and health promotion strategies related to suicide attempts;

''(8) promote the sharing of data regarding suicide with Federal agencies involved with suicide early intervention and prevention, and State-sponsored statewide and tribal suicide early intervention and prevention strategies for the purpose of identifying previously unknown mental health causes and associated risk factors for suicide among all ages particularly among groups that are at high risk for suicide;

''(9) evaluate and disseminate outcomes and best practices of mental health and substance use disorder services at institutions of higher education; and

''(10) conduct other activities determined appropriate by the Secretary.

''(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for each of the fiscal years 2012 through 2016.''.

SEC. 3. YOUTH SUICIDE INTERVENTION AND PREVENTION STRATEGIES.

Section 520E of the Public Health Service Act (42 U.S.C. 290bb–36) is amended to read as follows:

"SEC. 520E. YOUTH SUICIDE EARLY INTERVENTION AND PREVENTION STRATEGIES.

''(a) IN GENERAL.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall award grants or cooperative agreements to eligible entities to—

''(1) develop and implement State-sponsored statewide or tribal youth suicide early intervention and prevention strategies in schools, educational institutions, juvenile justice systems, substance use disorder programs, mental health programs, foster care systems, and other child and youth support organizations;

''(2) support public organizations and private nonprofit organizations actively involved in State-sponsored statewide or tribal youth suicide early intervention and prevention strategies and in the development and continuation of State-sponsored statewide youth suicide early intervention and prevention strategies;

''(3) provide grants to institutions of higher education to coordinate the implementation of State-sponsored statewide or tribal youth suicide early intervention and prevention strategies;

''(4) collect and analyze data on State-sponsored statewide or tribal youth suicide early intervention and prevention services that can be used to monitor the effectiveness of such services and for research, technical assistance, and policy development; and

''(5) assist eligible entities, through State-sponsored statewide or tribal youth suicide early intervention and prevention strategies, in achieving targets for youth suicide reductions under title V of the Social Security Act.

''(b) ELIGIBLE ENTITY.—

''(1) DEFINITION.—In this section, the term 'eligible entity' means—

''(A) a State;

''(B) a public organization or private nonprofit organization designated by a State to develop or direct the State-sponsored statewide youth suicide early intervention and prevention strategy; or

''(C) a federally recognized Indian tribe or tribal organization (as defined in the Indian Self-Determination and Education Assistance Act) or an urban Indian organization (as defined in the Indian Health Care Improvement Act) that is actively involved in the development and continuation of a tribal youth suicide early intervention and prevention strategy.

''(2) LIMITATION.—In carrying out this section, the Secretary shall ensure that a State does not receive more than one grant or cooperative agreement under this section at any one time. For purposes of the preceding sentence, a State shall be considered to have received a grant or cooperative agreement if the eligible entity involved is the State or an entity designated by the State under paragraph (1)(B). Nothing in this paragraph shall be constructed to apply to entities described in paragraph (1)(C).

''(c) PREFERENCE.—In providing assistance under a grant or cooperative agreement under this section, an eligible entity shall give preference to public organizations, private nonprofit organizations, political subdivisions, institutions of higher education, and tribal organizations actively involved with the State-sponsored statewide or tribal youth suicide early intervention and prevention strategy that—

''(1) provide early intervention and assessment services, including screening programs, to youth who are at risk for mental or emotional disorders that may lead to a suicide attempt, and that are integrated with school systems, educational institutions, juvenile justice systems, substance use disorder programs, mental health programs, foster care systems, and other child and youth support organizations;

''(2) demonstrate collaboration among early intervention and prevention services or certify that entities will engage in future collaboration;

''(3) employ or include in their applications a commitment to evaluate youth suicide early intervention and prevention practices and strategies adapted to the local community;

''(4) provide timely referrals for appropriate community-based mental health care and treatment of youth who are at risk for suicide in child-serving settings and agencies;

''(5) provide immediate support and information resources to families of youth who are at risk for suicide;

''(6) offer access to services and care to youth with diverse linguistic and cultural backgrounds;

''(7) offer appropriate postsuicide intervention services, care, and information to families, friends, schools, educational institutions, juvenile justice systems, substance use disorder programs, mental health programs, foster care systems, and other child and youth support organizations of youth who recently completed suicide;

''(8) offer continuous and up-to-date information and awareness campaigns that target parents, family members, child care professionals, community care providers, and the general public and highlight the risk factors associated with youth suicide and the life-saving help and care available from early intervention and prevention services;

''(9) ensure that information and awareness campaigns on youth suicide risk factors, and early intervention and prevention services, use effective communication mechanisms that are targeted to and reach youth, families, schools, educational institutions, and youth organizations;

''(10) provide a timely response system to ensure that child-serving professionals and providers are properly trained in youth suicide early intervention and prevention strategies and that child-serving professionals and providers involved in early intervention and prevention services are properly trained in effectively identifying youth who are at risk for suicide;

''(11) provide continuous training activities for child care professionals and community care providers on the latest youth suicide early intervention and prevention services practices and strategies;

''(12) conduct annual self-evaluations of outcomes and activities, including consulting with interested families and advocacy organizations;

''(13) provide services in areas or regions with rates of youth suicide that exceed the national average as determined by the Centers for Disease Control and Prevention; and

''(14) obtain informed written consent from a parent or legal guardian of an at-risk child before involving the child in a youth suicide early intervention and prevention program.

''(d) REQUIREMENT FOR DIRECT SERVICES.—Not less than 85 percent of grant funds received under this section shall be used to provide direct services, of which not less than 5 percent shall be used for activities authorized under subsection (a)(3).

''(e) CONSULTATION AND POLICY DEVELOPMENT.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall collaborate with relevant Federal agencies and suicide working groups responsible for early intervention and prevention services relating to youth suicide.

''(2) CONSULTATION.—In carrying out this section, the Secretary shall consult with—

''(A) State and local agencies, including agencies responsible for early intervention and prevention services under title XIX of the Social Security Act, the State Children's Health Insurance Program under title XXI of the Social Security Act, and programs funded by grants under title V of the Social Security Act;

''(B) local and national organizations that serve youth at risk for suicide and their families;

''(C) relevant national medical and other health and education specialty organizations;

''(D) youth who are at risk for suicide, who have survived suicide attempts, or who are currently receiving care from early intervention services;

''(E) families and friends of youth who are at risk for suicide, who have survived suicide attempts, who are currently receiving care from early intervention and prevention services, or who have completed suicide;

''(F) qualified professionals who possess the specialized knowledge, skills, experience, and relevant attributes needed to serve youth at risk for suicide and their families; and

''(G) third-party payers, managed care organizations, and related commercial industries.

''(3) POLICY DEVELOPMENT.—In carrying out this section, the Secretary shall—

''(A) coordinate and collaborate on policy development at the Federal level with the relevant Department of Health and Human Services agencies and suicide working groups; and

''(B) consult on policy development at the Federal level with the private sector, including consumer, medical, suicide prevention advocacy groups, and other health and education professional-based organizations, with respect to State-sponsored statewide or tribal youth suicide early intervention and prevention strategies.

''(f) RULE OF CONSTRUCTION; RELIGIOUS AND MORAL ACCOMMODATION.—Nothing in this section shall be construed to require suicide assessment, early intervention, or treatment services for youth whose parents or legal guardians object based on the parents' or legal guardians' religious beliefs or moral objections.

''(g) EVALUATIONS AND REPORT.—

''(1) EVALUATIONS BY ELIGIBLE ENTITIES.—Not later than 18 months after receiving a grant or cooperative agreement under this section, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant or agreement.

''(2) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a report concerning the results of—

''(A) the evaluations conducted under paragraph (1); and

''(B) an evaluation conducted by the Secretary to analyze the effectiveness and efficacy of the activities conducted with grants, collaborations, and consultations under this section.

''(h) RULE OF CONSTRUCTION; STUDENT MEDICATION.—Nothing in this section shall be construed to allow school personnel to require that a student obtain any medication as a condition of attending school or receiving services.

''(i) PROHIBITION.—Funds appropriated to carry out this section, section 527, or section 529 shall not be used to pay for or refer for abortion.

''(j) PARENTAL CONSENT.—States and entities receiving funding under this section shall obtain prior written, informed consent

from the child's parent or legal guardian for assessment services, school-sponsored programs, and treatment involving medication related to youth suicide conducted in elementary and secondary schools. The requirement of the preceding sentence does not apply in the following cases:

''(1) In an emergency, where it is necessary to protect the immediate health and safety of the student or other students.

''(2) Other instances, as defined by the State, where parental consent cannot reasonably be obtained.

''(k) RELATION TO EDUCATION PROVISIONS.—Nothing in this section shall be construed to supersede section 444 of the General Education Provisions Act, including the requirement of prior parental consent for the disclosure of any education records. Nothing in this section shall be construed to modify or affect parental notification requirements for programs authorized under the Elementary and Secondary Education Act of 1965 (as amended by the No Child Left Behind Act of 2001; Public Law 107–110).

''(l) DEFINITIONS.—In this section:

''(1) EARLY INTERVENTION.—The term 'early intervention' means a strategy or approach that is intended to prevent an outcome or to alter the course of an existing condition.

''(2) EDUCATIONAL INSTITUTION; INSTITUTION OF HIGHER EDUCATION; SCHOOL.—The term—

''(A) 'educational institution' means a school or institution of higher education;

''(B) 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965; and

''(C) 'school' means an elementary or secondary school (as such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965).

''(3) PREVENTION.—The term 'prevention' means a strategy or approach that reduces the likelihood or risk of onset, or delays the onset, of adverse health problems that have been known to lead to suicide.

''(4) YOUTH.—The term 'youth' means individuals who are between 10 and 24 years of age.

''(m) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $32,000,000 for each of the fiscal years 2012 through 2016.''.

SEC. 4. MENTAL HEALTH AND SUBSTANCE USE DISORDERS SERVICES AND OUTREACH ON CAMPUS.

Section 520E–2 of the Public Health Service Act (42 U.S.C. 290bb–36b) is amended to read as follows:

''SEC. 520E–2. MENTAL HEALTH AND SUBSTANCE USE DISORDERS SERVICES ON CAMPUS.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services and in consultation with the Secretary of Education, shall award grants on a competitive basis to institutions of higher education to enhance services for students with mental health or substance use disorders and to develop best practices for the delivery of such services.

''(b) USES OF FUNDS.—Amounts received under a grant under this section shall be used for 1 or more of the following activities:

''(1) The provision of mental health and substance use disorder services to students, including prevention, promotion of mental health, voluntary screening, early intervention, voluntary assessment, treatment, and management of mental health and substance abuse disorder issues.

''(2) The provision of outreach services to notify students about the existence of mental health and substance use disorder services.

''(3) Educating students, families, faculty, staff, and communities to increase awareness of mental health and substance use disorders.

''(4) The employment of appropriately trained staff, including administrative staff.

''(5) The provision of training to students, faculty, and staff to respond effectively to students with mental health and substance use disorders.

''(6) The creation of a networking infrastructure to link colleges and universities with providers who can treat mental health and substance use disorders.

''(7) Developing, supporting, evaluating, and disseminating evidence-based and emerging best practices.

''(c) IMPLEMENTATION OF ACTIVITIES USING GRANT FUNDS.—An institution of higher education that receives a grant under this section may carry out activities under the grant through—

''(1) college counseling centers;

''(2) college and university psychological service centers;

''(3) mental health centers;

''(4) psychology training clinics;

''(5) institution of higher education supported, evidence-based, mental health and substance use disorder programs; or

''(6) any other entity that provides mental health and substance use disorder services at an institution of higher education.

''(d) APPLICATION.—To be eligible to receive a grant under this section, an institution of higher education shall prepare and submit to the Secretary an application at such time and in such manner as the Secretary may require. At a minimum, such application shall include the following:

''(1) A description of identified mental health and substance use disorder needs of students at the institution of higher education.

''(2) A description of Federal, State, local, private, and institutional resources currently available to address the needs described in paragraph (1) at the institution of higher education.

''(3) A description of the outreach strategies of the institution of higher education for promoting access to services, including a proposed plan for reaching those students most in need of mental health services.

''(4) A plan, when applicable, to meet the specific mental health and substance use disorder needs of veterans attending institutions of higher education.

''(5) A plan to seek input from community mental health providers, when available, community groups and other public and private entities in carrying out the program under the grant.

''(6) A plan to evaluate program outcomes, including a description of the proposed use of funds, the program objectives, and how the objectives will be met.

''(7) An assurance that the institution will submit a report to the Secretary each fiscal year concerning the activities carried out with the grant and the results achieved through those activities.

''(e) SPECIAL CONSIDERATIONS.—In awarding grants under this section, the Secretary shall give special consideration to applications that describe programs to be carried out under the grant that—

''(1) demonstrate the greatest need for new or additional mental and substance use disorder services, in part by providing information on current ratios of students to mental health and substance use disorder health professionals and

''(2) demonstrate the greatest potential for replication.

''(f) REQUIREMENT OF MATCHING FUNDS.—

''(1) IN GENERAL.—The Secretary may make a grant under this section to an institution of higher education only if the institution agrees to make available (directly or through donations from public or private entities) non-Federal contributions in an amount that is not less than $1 for each $1 of Federal funds provided under the grant, toward the costs of activities carried out with the grant (as described in subsection (b)) and other activities by the institution to reduce student mental health and substance use disorders.

''(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under paragraph (1) may be in cash or in kind. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

''(3) WAIVER.—The Secretary may waive the application of paragraph (1) with respect to an institution of higher education if the Secretary determines that extraordinary need at the institution justifies the waiver.

''(g) REPORTS.—For each fiscal year that grants are awarded under this section, the Secretary shall conduct a study on the results of the grants and submit to the Congress a report on such results that includes the following:

''(1) An evaluation of the grant program outcomes, including a summary of activities carried out with the grant and the results achieved through those activities.

''(2) Recommendations on how to improve access to mental health and substance use disorder services at institutions of higher education, including efforts to reduce the incidence of suicide and substance use disorders.

''(h) DEFINITIONS.—In this section, the term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965.

''(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $7,000,000 for each of the fiscal years 2012 through 2016.''.

MENTAL HEALTH LIAISON GROUP,
APRIL 5, 2011.

Hon. JACK REED,
U.S. Senate, Washington, DC.
Hon. RICHARD J. DURBIN,
U.S. Senate, Washington, DC.
Hon. LISA MURKOWSKI,
U.S. Senate, Washington, DC.
Hon. TOM UDALL,
U.S. Senate, Washington, DC.

DEAR SENATORS: The undersigned organizations in the Mental Health Liaison Group are pleased to write in support of the legislation you will soon introduce, the Garrett Lee Smith Memorial Act Reauthorization of 2011. This legislation renews the commitment to critically important youth and college suicide prevention programs administered by the Substance Abuse and Mental Health Services Administration, as well as strengthens those programs, ensuring they are best designed to meet the needs of those they are intended to serve.

The Garrett Lee Smith Memorial Act (GLSMA) currently supports grants in 35 States and 16 Tribes or Tribal organizations as part of the State/Tribal Youth Suicide Prevention and Early Intervention Program as well as funds programs at 38 institutions of higher education through the Campus Suicide Prevention program. While much has been achieved thanks to the successful grants supported by the GLSMA, there remains much to do. In 2007, suicide was the third leading cause of death for young people ages 15–24 years and the second leading cause of death among college students. According to the Center for Disease Control and Prevention, ''a nationwide survey of youth in

grades 9–12 in public and private schools in the United States (U.S.) found that 15% of students reported seriously considering suicide, 11% reported creating a plan, and 7% reporting trying to take their own life in the 12 months preceding the survey.'' The 2010 American College Health Association's National College Health Assessment II noted that 45.6% of students surveyed reported feeling that things were hopeless and 30.7% reported feeling so depressed it was difficult to function during the past 12 months.

Since its creation in 2004, the Garrett Lee Smith Memorial Act has provided resources to communities and college campuses all across the country, and supported needed technical assistance to develop and disseminate effective strategies and best practices related to youth suicide prevention.

Our organizations support all three elements of the GLSMA, which provide a comprehensive approach to addressing the national problem of youth suicide. Specifically, the State and Tribal program fosters the creation of public-private collaborations and the development of critically needed prevention and early intervention strategies. Next, the Campus Suicide Prevention Program enhances services, outreach and education for students with mental health or substance use disorders and calls for the development of best practice for the delivery of such services. Finally, the Suicide Prevention Resource Center provides information and training to States, Tribes, and tribal organizations, institutions of higher education, and public organizations or private non-profit groups in an effort to prevent suicide among all ages, particularly among high risk groups, such as youth.

We are especially pleased that you have included modest but needed growth in the authorization levels for these programs. This measured increase acknowledges the important efforts that have come from the development of these programs as well as the significant work that remains to build suicide prevention capacity across the country.

Our organizations are grateful to you and your colleagues for your strong bipartisan approach regarding this program. We thank Senators Murkowski, Durbin and Tom Udall for joining with you in support of this effort and demonstrating extraordinary leadership on youth suicide prevention.

We are most grateful to you and your staff for your tireless work on this legislation over the past years. Your unwavering leadership and commitment to youth suicide prevention undoubtedly has important implications for the current and future health and wellbeing of our nation's youth. We welcome the opportunity to work with you and your staff to ensure that the Garrett Lee Smith Memorial Act is promptly reauthorized.

Sincerely,

American Academy of Child and Adolescent Psychiatry, American Art Therapy Association, American Association for Geriatric Psychiatry, American Association for Marriage and Family Therapy, American Association for Psychoanalysis in Clinical Social Work, American Association of Pastoral Counselors, American Association on Health and Disability*, American Counseling Association, American Dance Therapy Association, American Foundation for Suicide Prevention/SPAN USA, American Group Psychotherapy Association, American Orthopsychiatric Association, American Psychiatric Association, American Psychoanalytic Association, American Psychological Association.

American Psychotherapy Association, Association for Ambulatory Behavioral Healthcare, Association for the Advancement of Psychology, American Psychiatric Nurses Association, Anxiety Disorders Association of America, Bazelon Center for Mental Health Law, Center for Clinical Social Work, Clinical Social Work Association, Depression and Bipolar Support Alliance, Eating Disorders Coalition for Research, Policy & Action, Mental Health America, NAADAC, the Association for Addiction Professionals, National Association of County Behavioral Health and Developmental Disability Directors, National Association of State Mental Health Program Directors, National Alliance on Mental Illness.

National Association for Children's Behavioral Health, National Association for Rural Mental Health, National Association of Mental Health Planning & Advisory Councils, National Association of Psychiatric Health Systems, National Association of School Psychologists, National Association of Social Workers, National Coalition for Mental Health Recovery, National Council for Community Behavioral Healthcare, National Council on Problem Gambling, School Social Work Association of America, Therapeutic Communities of America, Tourette Syndrome Association, U.S. Psychiatric Rehabilitation Association, Witness Justice.

* not a MHLG member

Mr. DURBIN. Mr. President, three years ago, a mentally disturbed gunman walked into a campus lecture hall at Northern Illinois University and shot 22 students, killing 5 of them. Northern Illinois University is not the first college to experience this kind of tragedy. We all remember the horrific events at Virginia Tech in 2007 where 32 lives were taken by a gunman.

In the aftermath of these shootings, we asked what could have been done to prevent it. And years later, we are still trying to make sense of it. Some believe nothing can be done to stop a disturbed person from committing acts of violence. But I believe we can and should do more.

For a long time, we have overlooked the mental health needs of students on college campuses. We know now that many mental illnesses start to manifest in this period when young people leave the security of home and regular medical care. The responsibility for the students' well-being often shifts from parents to students, and the students aren't always completely prepared. It is easier for a young person's problems to go unnoticed when he or she is away at college than when they are at home, in the company of parents, old friends, and high school teachers. College also provides a new opportunity for young people to experiment with drugs or alcohol.

The consequences of not detecting or addressing mental health needs among students are real. Suicide remains the third leading cause of death for adolescents and young adults between ages 10–24. Suicide takes the lives of more young adults than AIDS, cancer, heart disease, pneumonia, birth defects, and influenza combined. Forty-five percent of college students report having felt so depressed that it was difficult to function. Ten percent have contemplated suicide. There are over 1,000 suicides on college campus each year. These heartbreaking and traumatic incidents demonstrate the tragic consequences of mental instability and help us recognize we need to do more to support students during what can be very tough years.

Fortunately, many students can succeed in college if they have appropriate counseling services and access to needed medications. These services make a real impact. Students who seek help are six times less likely to kill themselves. Colleges are welcoming students today who 10 or 20 years ago would not have been able to attend school due to mental illness, but who can today because of advances in treatment.

But while the needs for mental health services on campus are rising, colleges are facing financial pressures and having trouble meeting this demand. As I have travelled around my State, I have learned just how thin colleges and universities are stretched when it comes to providing counseling and other support services to students.

Take Southern Illinois University in Carbondale. SIUC has 8 full-time counselors for 20,000 students. That is 1 counselor for every 2,500 students. The recommended ratio is 1 counselor for every 1,500 students. And there is another problem. Like many rural communities, Carbondale only has one community mental health agency. That agency is overwhelmed by the mental health needs of the community and refuses to serve students from SIUC. The campus counseling center is the only mental health option for students. The eight hard-working counselors at SIUC do their best under impossible conditions. They triage students who come in seeking help so that the ones who might be a threat to themselves or others are seen first. The waitlist of students seeking services has reached 45 students.

The story is the same across the country. Colleges are trying to fill in the gaps, but because of the shortage of counselors, students' needs are overlooked. A recent survey of college counseling centers indicates that the average ratio of professional-staff-to-students is 1 to 1,900. Although interest in mental health services is high, the recession has put pressure on administrators to cut budgets wherever they can. At times, counseling centers are in the crosshairs. Ten percent of survey respondents said their budgets were cut during the 2007–8 academic year, half said their budgets stayed the same, and nearly a quarter reported that their funds increased by 3 percent or less.

With so many students looking for help and so few counselors to see them, counseling centers have to cut back on outreach. Without outreach, the chances of finding students who need help but don't ask for it goes down. This is a serious problem. We know that some students exhibit warning signs of a tortured mental state and four out of five young adults show warning signs before attempting suicide. But faculty and students don't always know how or where to express their concerns. Outreach efforts by

campus counseling centers can help educate the community about warning signs to look for as well as how to intervene. Of the students who committed suicide across the country in 2007, only 22 percent had received counseling on campus. That means that of the 1,000 college students who took their own lives, 800 may never have looked for help. How many of those young lives could have been saved if our college counseling centers had the resources they needed to identify those students and help them? Our students deserve better.

We need to help schools meet the needs of their students, and that is why I am an original cosponsor of the Garrett Lee Smith Memorial Act Reauthorization. This bill includes an important provision of the Mental Health on Campus Improvement Act, which I introduced last Congress that would increase funding for colleges and universities to improve their mental health services. Colleges could use the funding to hire personnel, increase outreach, and educate the campus community about mental health. The Garrett Lee Smith Memorial Act Reauthorization would provide States, tribes/tribal organizations, and universities with much needed resources to prevent suicide.

Reflecting on the loss of his own son, the well-known minister Rev. William Sloan Coffin once said, ''When parents die, they take with them a portion of the past. But when children die, they take away the future as well.'' I hope the Garrett Lee Smith Memorial Act will help prevent the unnecessary loss of more young lives and bright futures.

By Mr. AKAKA (for himself, Ms. COLLINS, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. LEVIN, Mr. CARPER, Mr. LEAHY, Mr. HARKIN, Mr. PRYOR, Ms. LANDRIEU, Mrs. MCCASKILL, Mr. TESTER, Mr. BEGICH, and Mr. CARDIN):

S. 743. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I rise to reintroduce the whistleblower Protection Enhancement Act. I am pleased that Senators COLLINS, GRASSLEY, LIEBERMAN, LEVIN, CARPER, LEAHY, HARKIN, PRYOR, LANDRIEU, MCCASKILL, TESTER, BEGICH, and CARDIN have joined as cosponsors of this bill.

The need for stronger whistleblower protections is clear. As we slowly recover from the deepest recession since the Great Depression, and grapple with unsustainable budget deficits, we cannot wait to act on measures to make sure the government uses taxpayer money efficiently and effectively.

This legislation will help us hold those who manage the public's dollars accountable by strengthening protections for Federal employees who shed light on government waste, fraud, and abuse. Studies have shown that employee whistleblowers are responsible for uncovering more fraud than auditors, internal compliance officers, and law enforcement officials combined. As an example of the type of disclosures we need to encourage, in one of the few cases in which a whistleblower prevailed, an Internal Revenue Service manager disclosed alleged fraud and preferential treatment of certain wealthy and influential taxpayers. The Merit Systems Protection Board denied his claim, but five years after the whistleblower retaliation occurred, the Court of Appeals reversed. Ensuring that dedicated civil servants can come forward and report wrongdoing without facing retaliation is an important step for saving taxpayer dollars, reducing the deficit, and improving our country's long-term economic health.

Our bill also will contribute to public health and safety, civil rights and civil liberties, national security, and other critical interests. Federal employees may be the only people in the position to observe a problem with a drug safety trial, a cover up of violations during a food inspection, overreach in Federal law enforcement, or safety concerns at a nuclear plant. But few employees will have the courage to disclose Federal Government wrongdoing, which can affect every aspect of government operations, without meaningful whistleblower protections.

The Whistleblower Protection Act, WPA, was intended to shield Federal whistleblowers from retaliation, but the Court of Appeals or the Federal Circuit and the Merit Systems Protection Board repeatedly have issued decisions that misconstrue the WPA and scale back its protections. Federal whistleblowers have prevailed on the merits of their claims before the Federal Circuit which has sole jurisdiction over Federal employee whistleblower appeals, only three times in hundreds of cases since 1994. correction is urgently needed.

Our bill would eliminate a number of restrictions that the Federal Circuit has read into the law regarding when disclosures are covered by the WPA. Because of the Federal Circuit's restrictive reading of the WPA, it would establish a pilot program to allow multi-circuit review for 5 years, and would require a Government Accountability Office review of that change 40 months after enactment. This bill would also bar agencies from revoking an employee's security clearance in retaliation for whistleblowing.

Additionally, this bill expands coverage to new groups of whistleblowers. This bill would expand the coverage of the Whistleblower Protection Act to include employees of the Transportation Security Administration. Intelligence Community employees for the first time would be protected as well, with an administrative process modeled on the protections for Federal Bureau of Investigations employees. Moreover, it would make clear that whistleblowers who disclose censorship of scientific information that could lead to gross government waste or mismanagement, danger to public health or safety, or a violation of law are protected.

I have been a long-time proponent of strengthening oversight by protecting Federal whistleblowers. Last Congress, my Whistleblower Protection Enhancement Act, S. 372, passed both the Senate and the House of Representatives by unanimous consent in December 2010. In the 110th Congress, my bill, the Federal Employee Protection of Disclosures Act, S. 274, passed the Senate by unanimous consent in December 2007, and a similar bill, H.R. 985, also passed in the House of Representatives in March 2008. Unfortunately, both times, we were not able to reconcile the two bills and enact whistleblower protections before the Congress adjourned. I intend to finish the job this Congress. Whistleblowers simply cannot wait any longer.

Congress has a duty to provide strong protections for Federal whistleblowers. Only when Federal employees are confident that they will not face retaliation will they feel comfortable coming forward to disclose information that can be used to improve government operations, our national security, and the health of our citizens. I urge my colleagues to support this legislation.

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

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

S. 743

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Whistleblower Protection Enhancement Act of 2011''.

TITLE I—PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES

SEC. 101. CLARIFICATION OF DISCLOSURES COVERED.

(a) IN GENERAL.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)(i), by striking ''a violation'' and inserting ''any violation''; and

(2) in subparagraph (B)(i), by striking ''a violation'' and inserting ''any violation (other than a violation of this section)''.

(b) PROHIBITED PERSONNEL PRACTICES UNDER SECTION 2302(b)(9).—

(1) TECHNICAL AND CONFORMING AMENDMENTS.—Title 5, United States Code, is amended in subsections (a)(3), (b)(4)(A), and (b)(4)(B)(i) of section 1214, in subsections (a), (e)(1), and (i) of section 1221, and in subsection (a)(2)(C)(i) of section 2302, by inserting ''or section 2302(b)(9) (A)(i), (B), (C), or

(D)'' after ''section 2302(b)(8)'' or ''(b)(8)'' each place it appears.

(2) OTHER REFERENCES.—(A) Title 5, United States Code, is amended in subsection (b)(4)(B)(i) of section 1214 and in subsection (e)(1) of section 1221, by inserting ''or protected activity'' after ''disclosure'' each place it appears.

(B) Section 2302(b)(9) of title 5, United States Code, is amended—

(i) by striking subparagraph (A)and inserting the following:

''(A) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation—

''(i) with regard to remedying a violation of paragraph (8); or

''(ii) with regard to remedying a violation of any other law, rule, or regulation;''; and

(ii) in subparagraph (B), by inserting ''(i) or (ii)'' after ''subparagraph (A)''.

(C) Section 2302 of title 5, United States Code, is amended by adding at the end the following:

''(f)(1) A disclosure shall not be excluded from subsection (b)(8) because—

''(A) the disclosure was made to a person, including a supervisor, who participated in an activity that the employee or applicant reasonably believed to be covered by subsection (b)(8)(A)(ii);

''(B) the disclosure revealed information that had been previously disclosed;

''(C) of the employee's or applicant's motive for making the disclosure;

''(D) the disclosure was not made in writing;

''(E) the disclosure was made while the employee was off duty; or

''(F) of the amount of time which has passed since the occurrence of the events described in the disclosure.

''(2) If a disclosure is made during the normal course of duties of an employee, the disclosure shall not be excluded from subsection (b)(8) if any employee who has authority to take, direct others to take, recommend, or approve any personnel action with respect to the employee making the disclosure, took, failed to take, or threatened to take or fail to take a personnel action with respect to that employee in reprisal for the disclosure.''.

SEC. 102. DEFINITIONAL AMENDMENTS.

Section 2302(a)(2) of title 5, United States Code, is amended—

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

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

(3) by adding at the end the following:

''(D) 'disclosure' means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee or applicant providing the disclosure reasonably believes that the disclosure evidences—

''(i) any violation of any law, rule, or regulation, and occurs during the conscientious carrying out of official duties; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.''.

SEC. 103. REBUTTABLE PRESUMPTION.

Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

''This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress. For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee whose conduct is the subject of a disclosure as defined under subsection (a)(2)(D) may be rebutted by substantial evidence. For purposes of paragraph (8), a determination as to whether an employee or applicant reasonably believes that such employee or applicant has disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.''.

SEC. 104. PERSONNEL ACTIONS AND PROHIBITED PERSONNEL PRACTICES.

(a) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(1) in clause (x), by striking ''and'' after the semicolon; and

(2) by redesignating clause (xi) as clause (xii) and inserting after clause (x) the following:

''(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement; and''.

(b) PROHIBITED PERSONNEL PRACTICE.—

(1) IN GENERAL.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking ''or'' at the end;

(B) in paragraph (12), by striking the period and inserting ''; or''; and

(C) by inserting after paragraph (12) the following:

''(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information), or any successor thereto; Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.' ''.

(2) NONDISCLOSURE POLICY, FORM, OR AGREEMENT IN EFFECT BEFORE THE DATE OF ENACTMENT.—A nondisclosure policy, form, or agreement that was in effect before the date of enactment of this Act, but that does not contain the statement required under section 2302(b)(13) of title 5, United States Code, (as added by this Act) for implementation or enforcement—

(A) may be enforced with regard to a current employee if the agency gives such employee notice of the statement; and

(B) may continue to be enforced after the effective date of this Act with regard to a former employee if the agency posts notice of the statement on the agency website for the 1-year period following that effective date.

(c) RETALIATORY INVESTIGATIONS.—

(1) AGENCY INVESTIGATION.—Section 1214 of title 5, United States Code, is amended by adding at the end the following:

''(h) Any corrective action ordered under this section to correct a prohibited personnel practice may include fees, costs, or damages reasonably incurred due to an agency investigation of the employee, if such investigation was commenced, expanded, or extended in retaliation for the disclosure or protected activity that formed the basis of the corrective action.''.

(2) DAMAGES.—Section 1221(g) of title 5, United States Code, is amended by adding at the end the following:

''(4) Any corrective action ordered under this section to correct a prohibited personnel practice may include fees, costs, or damages reasonably incurred due to an agency investigation of the employee, if such investigation was commenced, expanded, or extended in retaliation for the disclosure or protected activity that formed the basis of the corrective action.''.

SEC. 105. EXCLUSION OF AGENCIES BY THE PRESIDENT.

Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

''(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

''(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, provided that the determination be made prior to a personnel action; or''.

SEC. 106. DISCIPLINARY ACTION.

Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

''(3)(A) A final order of the Board may impose—

''(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

''(ii) an assessment of a civil penalty not to exceed $1,000; or

''(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

''(B) In any case brought under paragraph (1) in which the Board finds that an employee has committed a prohibited personnel practice under section 2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or (D), the Board may impose disciplinary action if the Board finds that the activity protected under section 2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or (D) was a significant motivating factor, even if other factors also motivated the decision, for the employee's decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.''.

SEC. 107. REMEDIES.

(a) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking ''agency involved'' and inserting ''agency where the prevailing party was employed or had applied for employment at the time of the events giving rise to the case''.

(b) DAMAGES.—Sections 1214(g)(2) and 1221(g)(1)(A)(ii) of title 5, United States Code,

are amended by striking all after ''travel expenses,'' and inserting ''any other reasonable and foreseeable consequential damages, and compensatory damages (including interest, reasonable expert witness fees, and costs).'' each place it appears.

SEC. 108. JUDICIAL REVIEW.

(a) IN GENERAL.—Section 7703(b) of title 5, United States Code, is amended by striking the matter preceding paragraph (2) and inserting the following:

''(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2) of this subsection, a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review shall be filed within 60 days after the Board issues notice of the final order or decision of the Board.

''(B) During the 5-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2011, a petition to review a final order or final decision of the Board that raises no challenge to the Board's disposition of allegations of a prohibited personnel practice described in section 2302(b) other than practices described in section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under paragraph (2).''.

(b) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703(d) of title 5, United States Code, is amended to read as follows:

''(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the Board issues notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in the discretion of the Director, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

''(2) During the 5-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2011, this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management that raises no challenge to the Board's disposition of allegations of a prohibited personnel practice described in section 2302(b) other than practices described in section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D). The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the Board issues notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in the discretion of the Director, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the court of appeals.''.

SEC. 109. PROHIBITED PERSONNEL PRACTICES AFFECTING THE TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended—

(1) by redesignating sections 2304 and 2305 as sections 2305 and 2306, respectively; and

(2) by inserting after section 2303 the following:

''§ 2304. Prohibited personnel practices affecting the Transportation Security Administration

''(a) IN GENERAL.—Notwithstanding any other provision of law, any individual holding or applying for a position within the Transportation Security Administration shall be covered by—

''(1) the provisions of section 2302(b) (1), (8), and (9);

''(2) any provision of law implementing section 2302(b) (1), (8), or (9) by providing any right or remedy available to an employee or applicant for employment in the civil service; and

''(3) any rule or regulation prescribed under any provision of law referred to in paragraph (1) or (2).

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any rights, apart from those described in subsection (a), to which an individual described in subsection (a) might otherwise be entitled under law.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by striking the items relating to sections 2304 and 2305, respectively, and by inserting the following:

''2304. Prohibited personnel practices affecting the Transportation Security Administration.
''2305. Responsibility of the Government Accountability Office.
''2306. Coordination with certain other provisions of law.''.

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

SEC. 110. DISCLOSURE OF CENSORSHIP RELATED TO RESEARCH, ANALYSIS, OR TECHNICAL INFORMATION.

(a) DEFINITIONS.—In this subsection—

(1) the term ''agency'' has the meaning given under section 2302(a)(2)(C) of title 5, United States Code;

(2) the term ''applicant'' means an applicant for a covered position;

(3) the term ''censorship related to research, analysis, or technical information'' means any effort to distort, misrepresent, or suppress research, analysis, or technical information;

(4) the term ''covered position'' has the meaning given under section 2302(a)(2)(B) of title 5, United States Code;

(5) the term ''employee'' means an employee in a covered position in an agency; and

(6) the term ''disclosure'' has the meaning given under section 2302(a)(2)(D) of title 5, United States Code.

(b) PROTECTED DISCLOSURE.—

(1) IN GENERAL.—Any disclosure of information by an employee or applicant for employment that the employee or applicant reasonably believes is evidence of censorship related to research, analysis, or technical information—

(A) shall come within the protections of section 2302(b)(8)(A) of title 5, United States Code, if—

(i) the employee or applicant reasonably believes that the censorship related to research, analysis, or technical information is or will cause—

(I) any violation of law, rule, or regulation, and occurs during the conscientious carrying out of official duties; or

(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

(ii) such disclosure is not specifically prohibited by law or such information is not specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs; and

(B) shall come within the protections of section 2302(b)(8)(B) of title 5, United States Code, if—

(i) the employee or applicant reasonably believes that the censorship related to research, analysis, or technical information is or will cause—

(I) any violation of law, rule, or regulation, and occurs during the conscientious carrying out of official duties; or

(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

(ii) the disclosure is made to the Special Counsel, or to the Inspector General of an agency or another person designated by the head of the agency to receive such disclosures, consistent with the protection of sources and methods.

(2) DISCLOSURES NOT EXCLUDED.—A disclosure shall not be excluded from paragraph (1) for any reason described under section 2302(f)(1) or (2) of title 5, United States Code.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to imply any limitation on the protections of employees and applicants afforded by any other provision of law, including protections with respect to any disclosure of information believed to be evidence of censorship related to research, analysis, or technical information.

SEC. 111. CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.

Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: ''For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.''.

SEC. 112. ADVISING EMPLOYEES OF RIGHTS.

Section 2302(c) of title 5, United States Code, is amended by inserting '', including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures'' after ''chapter 12 of this title''.

SEC. 113. SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.

Section 1212 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to any civil action brought in connection with section 2302(b) (8) or (9), or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) and the impact court decisions would have on the enforcement of such provisions of law.

''(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described under subsection (a).''.

SEC. 114. SCOPE OF DUE PROCESS.

(a) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

(b) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

SEC. 115. NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.

(a) IN GENERAL.—

(1) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information), or any successor thereto; Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.''.

(2) ENFORCEABILITY.—

(A) IN GENERAL.—Any nondisclosure policy, form, or agreement described under paragraph (1) that does not contain the statement required under paragraph (1) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(B) NONDISCLOSURE POLICY, FORM, OR AGREEMENT IN EFFECT BEFORE THE DATE OF ENACTMENT.—A nondisclosure policy, form, or agreement that was in effect before the date of enactment of this Act, but that does not contain the statement required under paragraph (1)—

(i) may be enforced with regard to a current employee if the agency gives such employee notice of the statement; and

(ii) may continue to be enforced after the effective date of this Act with regard to a former employee if the agency posts notice of the statement on the agency website for the 1-year period following that effective date.

(b) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding subsection (a), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such policy, form, or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure policy, form, or agreement shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law, consistent with the protection of sources and methods.

SEC. 116. REPORTING REQUIREMENTS.

(a) GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) REPORT.—Not later than 40 months after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the implementation of this title.

(2) CONTENTS.—The report under this paragraph shall include—

(A) an analysis of any changes in the number of cases filed with the United States Merit Systems Protection Board alleging violations of section 2302(b) (8) or (9) of title 5, United States Code, since the effective date of this Act;

(B) the outcome of the cases described under subparagraph (A), including whether or not the United States Merit Systems Protection Board, the Federal Circuit Court of Appeals, or any other court determined the allegations to be frivolous or malicious;

(C) an analysis of the outcome of cases described under subparagraph (A) that were decided by a United States District Court and the impact the process has on the Merit Systems Protection Board and the Federal court system; and

(D) any other matter as determined by the Comptroller General.

(b) MERIT SYSTEMS PROTECTION BOARD.—

(1) IN GENERAL.—Each report submitted annually by the Merit Systems Protection Board under section 1116 of title 31, United States Code, shall, with respect to the period covered by such report, include as an addendum the following:

(A) Information relating to the outcome of cases decided during the applicable year of the report in which violations of section 2302(b) (8) or (9) (A)(i), (B)(i), (C), or (D) of title 5, United States Code, were alleged.

(B) The number of such cases filed in the regional and field offices, the number of petitions for review filed in such cases, and the outcomes of such cases.

(2) FIRST REPORT.—The first report described under paragraph (1) submitted after the date of enactment of this Act shall include an addendum required under that subparagraph that covers the period beginning on January 1, 2009 through the end of the fiscal year 2009.

SEC. 117. ALTERNATIVE REVIEW.

(a) IN GENERAL.—Section 1221 of title 5, United States Code, is amended by adding at the end the following:

''(k)(1) In this subsection, the term 'appropriate United States district court', as used with respect to an alleged prohibited personnel practice, means the United States district court for the judicial district in which—

''(A) the prohibited personnel practice is alleged to have been committed; or

''(B) the employee, former employee, or applicant for employment allegedly affected by such practice resides.

''(2)(A) An employee, former employee, or applicant for employment in any case to which paragraph (3) or (4) applies may file an action at law or equity for de novo review in the appropriate United States district court in accordance with this subsection.

''(B) Upon initiation of any action under subparagraph (A), the Board shall stay any other claims of such employee, former employee, or applicant pending before the Board at that time which arise out of the same set of operative facts. Such claims shall be stayed pending completion of the action filed under subparagraph (A) before the appropriate United States district court and any associated appellate review.

''(3) This paragraph applies in any case in which—

''(A) an employee, former employee, or applicant for employment—

''(i) seeks corrective action from the Merit Systems Protection Board under section 1221(a) based on an alleged prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542; or

''(ii) files an appeal under section 7701(a) alleging as an affirmative defense the commission of a prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542;

''(B) no final order or decision is issued by the Board within 270 days after the date on which a request for that corrective action or appeal has been duly submitted, unless the Board determines that the employee, former employee, or applicant for employment engaged in conduct intended to delay the issuance of a final order or decision by the Board; and

''(C) such employee, former employee, or applicant provides written notice to the Board of filing an action under this subsection before the filing of that action.

''(4) This paragraph applies in any case in which—

''(A) an employee, former employee, or applicant for employment—

''(i) seeks corrective action from the Merit Systems Protection Board under section 1221(a) based on an alleged prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542; or

''(ii) files an appeal under section 7701(a)(1) alleging as an affirmative defense the commission of a prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542;

''(B)(i) within 30 days after the date on which the request for corrective action or appeal was duly submitted, such employee, former employee, or applicant for employment files a motion requesting a certification consistent with subparagraph (C) to the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case; and

''(ii) such employee has not previously filed a motion under clause (i) related to that request for corrective action; and

''(C) the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case certifies that—

''(i) under standard applicable to the review of motions to dismiss under rule 12(b)(6) of the Federal Rules of Civil Procedure, including rule 12(d), the request for corrective action (including any allegations made with the motion under subparagraph (B)) would not be subject to dismissal; and

''(ii)(I) the Board is not likely to dispose of the case within 270 days after the date on which a request for that corrective action has been duly submitted; or

''(II) the case—

''(aa) consists of multiple claims;

''(bb) requires complex or extensive discovery;

''(cc) arises out of the same set of operative facts as any civil action against the Government filed by the employee, former employee, or applicant pending in a Federal court; or

''(dd) involves a novel question of law.

''(5) The Board shall grant or deny any motion requesting a certification described under paragraph (4)(ii) within 90 days after the submission of such motion and the Board may not issue a decision on the merits of a request for corrective action within 15 days after granting or denying a motion requesting certification.

''(6)(A) Any decision of the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case to grant or deny a certification described under paragraph (4)(ii) shall be reviewed on appeal of a final order or decision of the Board under section 7703 only if—

''(i) a motion requesting a certification was denied; and

''(ii) the reviewing court vacates the decision of the Board on the merits of the claim under the standards set forth in section 7703(c).

''(B) The decision to deny the certification shall be overturned by the reviewing court, and an order granting certification shall be issued by the reviewing court, if such decision is found to be arbitrary, capricious, or an abuse of discretion.

''(C) The reviewing court's decision shall not be considered evidence of any determination by the Board, any administrative law judge appointed by the Board under section 3105 of this title, or any employee of the Board designated by the Board on the merits of the underlying allegations during the course of any action at law or equity for de novo review in the appropriate United States district court in accordance with this subsection.

''(7) In any action filed under this subsection—

''(A) the district court shall have jurisdiction without regard to the amount in controversy;

''(B) at the request of either party, such action shall be tried by the court with a jury;

''(C) the court—

''(i) subject to clause (iii), shall apply the standards set forth in subsection (e); and

''(ii) may award any relief which the court considers appropriate under subsection (g), except—

''(I) relief for compensatory damages may not exceed $300,000; and

''(II) relief may not include punitive damages; and

''(iii) notwithstanding subsection (e)(2), may not order relief if the agency demonstrates by a preponderance of the evidence that the agency would have taken the same personnel action in the absence of such disclosure; and

''(D) the Special Counsel may not represent the employee, former employee, or applicant for employment.

''(8) An appeal from a final decision of a district court in an action under this subsection shall be taken to the Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction.

''(9) This subsection applies with respect to any appeal, petition, or other request for corrective action duly submitted to the Board, whether under section 1214(b)(2), the preceding provisions of this section, section 7513(d), section 7701, or any otherwise applicable provisions of law, rule, or regulation.''.

(b) SUNSET.—

(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this section shall cease to have effect 5 years after the effective date of this Act.

(2) PENDING CLAIMS.—The amendments made by this section shall continue to apply with respect to any claim pending before the Board on the last day of the 5-year period described under paragraph (1).

SEC. 118. MERIT SYSTEMS PROTECTION BOARD SUMMARY JUDGMENT.

(a) IN GENERAL.—Section 1204(b) of title 5, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following:

''(3) With respect to a request for corrective action based on an alleged prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542, the Board, any administrative law judge appointed by the Board under section 3105 of this title, or any employee of the Board designated by the Board may, with respect to any party, grant a motion for summary judgment when the Board or the administrative law judge determines that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.''.

(b) SUNSET.—

(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this section shall cease to have effect 5 years after the effective date of this Act.

(2) PENDING CLAIMS.—The amendments made by this section shall continue to apply with respect to any claim pending before the Board on the last day of the 5-year period described under paragraph (1).

SEC. 119. DISCLOSURES OF CLASSIFIED INFORMATION.

(a) PROHIBITED PERSONNEL PRACTICES.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' after the semicolon;

(2) in subparagraph (B), by adding ''or'' after the semicolon; and

(3) by adding at the end the following:

''(C) any communication that complies with subsection (a)(1), (d), or (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App);''.

(b) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App) is amended—

(1) in subsection (a)(1), by adding at the end the following:

''(D) An employee of any agency, as that term is defined under section 2302(a)(2)(C) of title 5, United States Code, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information to the Inspector General (or designee) of the agency of which that employee is employed.'';

(2) in subsection (c), by striking ''intelligence committees'' and inserting ''appropriate committees'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''either or both of the intelligence committees'' and inserting ''any of the appropriate committees''; and

(B) in paragraphs (2) and (3), by striking ''intelligence committees'' each place that term appears and inserting ''appropriate committees'';

(4) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''intelligence''; and

(ii) in subparagraph (B), by inserting ''or an activity involving classified information'' after ''an intelligence activity''; and

(B) by striking paragraph (2), and inserting the following:

''(2) The term 'appropriate committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, except that with respect to disclosures made by employees described in subsection (a)(1)(D), the term 'appropriate committees' means the committees of appropriate jurisdiction.''.

SEC. 120. WHISTLEBLOWER PROTECTION OMBUDSMAN.

(a) IN GENERAL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking subsection (d) and inserting the following:

''(d)(1) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

''(A) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the establishment;

''(B) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations; and

''(C) designate a Whistleblower Protection Ombudsman who shall educate agency employees—

''(i) about prohibitions on retaliation for protected disclosures; and

''(ii) who have made or are contemplating making a protected disclosure about the rights and remedies against retaliation for protected disclosures.

''(2) The Whistleblower Protection Ombudsman shall not act as a legal representative, agent, or advocate of the employee or former employee.

''(3) For the purposes of this section, the requirement of the designation of a Whistleblower Protection Ombudsman under paragraph (1)(C) shall not apply to—

''(A) any agency that is an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))); or

''(B) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counter intelligence activities.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 8D(j) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking ''section 3(d)(1)'' and inserting ''section 3(d)(1)(A)''; and

(2) by striking ''section 3(d)(2)'' and inserting ''section 3(d)(1)(B)''.

(c) SUNSET.—

(1) IN GENERAL.—The amendments made by this section shall cease to have effect on the date that is 5 years after the date of enactment of this Act.

(2) RETURN TO PRIOR AUTHORITY.—Upon the date described in paragraph (1), section 3(d) and section 8D(j) of the Inspector General Act of 1978 (5 U.S.C. App.) shall read as such sections read on the day before the date of enactment of this Act.

TITLE II—INTELLIGENCE COMMUNITY WHISTLEBLOWER PROTECTIONS

SEC. 201. PROTECTION OF INTELLIGENCE COMMUNITY WHISTLEBLOWERS.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended by inserting after section 2303 the following:

''§ 2303A. Prohibited personnel practices in the intelligence community

''(a) DEFINITIONS.—In this section—

''(1) the term 'agency' means an executive department or independent establishment, as defined under sections 101 and 104, that contains an intelligence community element, except the Federal Bureau of Investigation;

''(2) the term 'intelligence community element'—

''(A) means—

''(i) the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

''(ii) any executive agency or unit thereof determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities; and

''(B) does not include the Federal Bureau of Investigation; and

''(3) the term 'personnel action' means any action described in clauses (i) through (x) of section 2302(a)(2)(A) with respect to an employee in a position in an intelligence community element (other than a position of a confidential, policy-determining, policy-making, or policy-advocating character).

''(b) IN GENERAL.—Any employee of an agency who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to any employee of an intelligence community element as a reprisal for a disclosure of information by the employee to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose), or to the head of the employing agency (or an employee designated by the head of that agency for such purpose), which the employee reasonably believes evidences—

''(1) a violation of any law, rule, or regulation, except for an alleged violation that occurs during the conscientious carrying out of official duties; or

''(2) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

''(c) ENFORCEMENT.—The President shall provide for the enforcement of this section in a manner consistent with applicable provisions of sections 1214 and 1221.

''(d) EXISTING RIGHTS PRESERVED.—Nothing in this section shall be construed to—

''(1) preempt or preclude any employee, or applicant for employment, at the Federal Bureau of Investigation from exercising rights currently provided under any other law, rule, or regulation, including section 2303;

''(2) repeal section 2303; or

''(3) provide the President or Director of National Intelligence the authority to revise regulations related to section 2303, codified in part 27 of the Code of Federal Regulations.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by inserting after the item relating to section 2303 the following:

''2303A. Prohibited personnel practices in the intelligence community.''.

SEC. 202. REVIEW OF SECURITY CLEARANCE OR ACCESS DETERMINATIONS.

(a) IN GENERAL.—Section 3001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''Not'' and inserting ''Except as otherwise provided, not'';

(2) in paragraph (5), by striking ''and'' after the semicolon;

(3) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(4) by inserting after paragraph (6) the following:

''(7) not later than 180 days after the date of enactment of the Whistleblower Protection Enhancement Act of 2011—

''(A) developing policies and procedures that permit, to the extent practicable, individuals who challenge in good faith a determination to suspend or revoke a security clearance or access to classified information to retain their government employment status while such challenge is pending; and

''(B) developing and implementing uniform and consistent policies and procedures to ensure proper protections during the process for denying, suspending, or revoking a security clearance or access to classified information, including the provision of a right to appeal such a denial, suspension, or revocation, except that there shall be no appeal of an agency's suspension of a security clearance or access determination for purposes of conducting an investigation, if that suspension lasts no longer than 1 year or the head of the agency certifies that a longer suspension is needed before a final decision on denial or revocation to prevent imminent harm to the national security.

''Any limitation period applicable to an agency appeal under paragraph (7) shall be tolled until the head of the agency (or in the case of any component of the Department of Defense, the Secretary of Defense) determines, with the concurrence of the Director of National Intelligence, that the policies and procedures described in paragraph (7) have been established for the agency or the Director of National Intelligence promulgates the policies and procedures under paragraph (7). The policies and procedures for appeals developed under paragraph (7) shall be comparable to the policies and procedures pertaining to prohibited personnel practices defined under section 2302(b)(8) of title 5, United States Code, and provide—

''(A) for an independent and impartial fact-finder;

''(B) for notice and the opportunity to be heard, including the opportunity to present relevant evidence, including witness testimony;

''(C) that the employee or former employee may be represented by counsel;

''(D) that the employee or former employee has a right to a decision based on the record developed during the appeal;

''(E) that not more than 180 days shall pass from the filing of the appeal to the report of the impartial fact-finder to the agency head or the designee of the agency head, unless—

''(i) the employee and the agency concerned agree to an extension; or

''(ii) the impartial fact-finder determines in writing that a greater period of time is required in the interest of fairness or national security;

''(F) for the use of information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs in a manner consistent with the interests of national security, including ex parte submissions if the agency determines that the interests of national security so warrant; and

''(G) that the employee or former employee shall have no right to compel the production of information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, except evidence necessary to establish that the employee made the disclosure or communication such employee alleges was protected by subparagraphs (A), (B), and (C) of subsection (j)(1).''.

(b) RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.—Section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b) is amended by adding at the end the following:

''(j) RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.—

''(1) IN GENERAL.—Agency personnel with authority over personnel security clearance or access determinations shall not take or fail to take, or threaten to take or fail to take, any action with respect to any employee's security clearance or access determination because of—

''(A) any disclosure of information to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose) or the head of the employing agency (or employee designated by the head of that agency for such purpose) by an employee that the employee reasonably believes evidences—

''(i) a violation of any law, rule, or regulation, and occurs during the conscientious carrying out of official duties; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

''(B) any disclosure to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee reasonably believes evidences—

''(i) a violation of any law, rule, or regulation, and occurs during the conscientious carrying out of official duties; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

''(C) any communication that complies with—

''(i) subsection (a)(1), (d), or (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.);

''(ii) subsection (d)(5)(A), (D), or (G) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q); or

''(iii) subsection (k)(5)(A), (D), or (G), of section 103H of the National Security Act of 1947 (50 U.S.C. 403–3h);

''(D) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

''(E) testifying for or otherwise lawfully assisting any individual in the exercise of any right referred to in subparagraph (D); or

''(F) cooperating with or disclosing information to the Inspector General of an agency, in accordance with applicable provisions of law in connection with an audit, inspection, or investigation conducted by the Inspector General,

if the actions described under subparagraphs (D) through (F) do not result in the employee or applicant unlawfully disclosing information specifically required by Executive order

to be kept classified in the interest of national defense or the conduct of foreign affairs.

''(2) RULE OF CONSTRUCTION.—Consistent with the protection of sources and methods, nothing in paragraph (1) shall be construed to authorize the withholding of information from the Congress or the taking of any personnel action against an employee who discloses information to the Congress.

''(3) DISCLOSURES.—

''(A) IN GENERAL.—A disclosure shall not be excluded from paragraph (1) because—

''(i) the disclosure was made to a person, including a supervisor, who participated in an activity that the employee reasonably believed to be covered by paragraph (1)(A)(ii);

''(ii) the disclosure revealed information that had been previously disclosed;

''(iii) of the employee's motive for making the disclosure;

''(iv) the disclosure was not made in writing;

''(v) the disclosure was made while the employee was off duty; or

''(vi) of the amount of time which has passed since the occurrence of the events described in the disclosure.

''(B) REPRISALS.—If a disclosure is made during the normal course of duties of an employee, the disclosure shall not be excluded from paragraph (1) if any employee who has authority to take, direct others to take, recommend, or approve any personnel action with respect to the employee making the disclosure, took, failed to take, or threatened to take or fail to take a personnel action with respect to that employee in reprisal for the disclosure.

''(4) AGENCY ADJUDICATION.—

''(A) REMEDIAL PROCEDURE.—An employee or former employee who believes that he or she has been subjected to a reprisal prohibited by paragraph (1) of this subsection may, within 90 days after the issuance of notice of such decision, appeal that decision within the agency of that employee or former employee through proceedings authorized by paragraph (7) of subsection (a), except that there shall be no appeal of an agency's suspension of a security clearance or access determination for purposes of conducting an investigation, if that suspension lasts not longer than 1 year (or a longer period in accordance with a certification made under subsection (b)(7)).

''(B) CORRECTIVE ACTION.—If, in the course of proceedings authorized under subparagraph (A), it is determined that the adverse security clearance or access determination violated paragraph (1) of this subsection, the agency shall take specific corrective action to return the employee or former employee, as nearly as practicable and reasonable, to the position such employee or former employee would have held had the violation not occurred. Such corrective action shall include reasonable attorney's fees and any other reasonable costs incurred, and may include back pay and related benefits, travel expenses, and compensatory damages not to exceed $300,000.

''(C) CONTRIBUTING FACTOR.—In determining whether the adverse security clearance or access determination violated paragraph (1) of this subsection, the agency shall find that paragraph (1) of this subsection was violated if a disclosure described in paragraph (1) was a contributing factor in the adverse security clearance or access determination taken against the individual, unless the agency demonstrates by a preponderance of the evidence that it would have taken the same action in the absence of such disclosure, giving the utmost deference to the agency's assessment of the particular threat to the national security interests of the United States in the instant matter.

''(5) APPELLATE REVIEW OF SECURITY CLEARANCE ACCESS DETERMINATIONS BY DIRECTOR OF NATIONAL INTELLIGENCE.—

''(A) DEFINITION.—In this paragraph, the term 'Board' means the appellate review board established under section 204 of the Whistleblower Protection Enhancement Act of 2011.

''(B) APPEAL.—Within 60 days after receiving notice of an adverse final agency determination under a proceeding under paragraph (4), an employee or former employee may appeal that determination to the Board.

''(C) POLICIES AND PROCEDURES.—The Board, in consultation with the Attorney General, Director of National Intelligence, and the Secretary of Defense, shall develop and implement policies and procedures for adjudicating the appeals authorized by subparagraph (B). The Director of National Intelligence and Secretary of Defense shall jointly approve any rules, regulations, or guidance issued by the Board concerning the procedures for the use or handling of classified information.

''(D) REVIEW.—The Board's review shall be on the complete agency record, which shall be made available to the Board. The Board may not hear witnesses or admit additional evidence. Any portions of the record that were submitted ex parte during the agency proceedings shall be submitted ex parte to the Board.

''(E) FURTHER FACT-FINDING OR IMPROPER DENIAL.—If the Board concludes that further fact-finding is necessary or finds that the agency improperly denied the employee or former employee the opportunity to present evidence that, if admitted, would have a substantial likelihood of altering the outcome, the Board shall remand the matter to the agency from which it originated for additional proceedings in accordance with the rules of procedure issued by the Board.

''(F) DE NOVO DETERMINATION.—The Board shall make a de novo determination, based on the entire record and under the standards specified in paragraph (4), of whether the employee or former employee received an adverse security clearance or access determination in violation of paragraph (1). In considering the record, the Board may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact. In doing so, the Board may consider the prior fact-finder's opportunity to see and hear the witnesses.

''(G) ADVERSE SECURITY CLEARANCE OR ACCESS DETERMINATION.—If the Board finds that the adverse security clearance or access determination violated paragraph (1), it shall then separately determine whether reinstating the security clearance or access determination is clearly consistent with the interests of national security, with any doubt resolved in favor of national security, under Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information) or any successor thereto (including any adjudicative guidelines promulgated under such orders) or any subsequent Executive order, regulation, or policy concerning access to classified information.

''(H) REMEDIES.—

''(i) CORRECTIVE ACTION.—If the Board finds that the adverse security clearance or access determination violated paragraph (1), it shall order the agency head to take specific corrective action to return the employee or former employee, as nearly as practicable and reasonable, to the position such employee or former employee would have held had the violation not occurred. Such corrective action shall include reasonable attorney's fees and any other reasonable costs incurred, and may include back pay and related benefits, travel expenses, and compensatory damages not to exceed $300,000. The Board may recommend, but may not order, reinstatement or hiring of a former employee. The Board may order that the former employee be treated as though the employee were transferring from the most recent position held when seeking other positions within the executive branch. Any corrective action shall not include the reinstating of any security clearance or access determination. The agency head shall take the actions so ordered within 90 days, unless the Director of National Intelligence, the Secretary of Energy, or the Secretary of Defense, in the case of any component of the Department of Defense, determines that doing so would endanger national security.

''(ii) RECOMMENDED ACTION.—If the Board finds that reinstating the employee or former employee's security clearance or access determination is clearly consistent with the interests of national security, it shall recommend such action to the head of the entity selected under subsection (b) and the head of the affected agency.

''(I) CONGRESSIONAL NOTIFICATION.—

''(i) ORDERS.—Consistent with the protection of sources and methods, at the time the Board issues an order, the Chairperson of the Board shall notify—

''(I) the Committee on Homeland Security and Government Affairs of the Senate;

''(II) the Select Committee on Intelligence of the Senate;

''(III) the Committee on Oversight and Government Reform of the House of Representatives;

''(IV) the Permanent Select Committee on Intelligence of the House of Representatives; and

''(V) the committees of the Senate and the House of Representatives that have jurisdiction over the employing agency, including in the case of a final order or decision of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, or the National Reconnaissance Office, the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

''(ii) RECOMMENDATIONS.—If the agency head and the head of the entity selected under subsection (b) do not follow the Board's recommendation to reinstate a clearance, the head of the entity selected under subsection (b) shall notify the committees described in subclauses (I) through (V) of clause (i).

''(6) JUDICIAL REVIEW.—Nothing in this section shall be construed to permit or require judicial review of any—

''(A) agency action under this section; or

''(B) action of the appellate review board established under section 204 of the Whistleblower Protection Enhancement Act of 2011.

''(7) PRIVATE CAUSE OF ACTION.—Nothing in this section shall be construed to permit, authorize, or require a private cause of action to challenge the merits of a security clearance determination.''.

(c) ACCESS DETERMINATION DEFINED.—Section 3001(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(a)) is amended by adding at the end the following:

''(9) The term 'access determination' means the process for determining whether an employee—

''(A) is eligible for access to classified information in accordance with Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto, and Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information with industry); and

''(B) possesses a need to know under that Order.''.

(d) RULE OF CONSTRUCTION.—Nothing in section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as amended by this Act, shall be construed to require the repeal or replacement of agency appeal procedures implementing Executive Order 12968 (60 Fed. Reg. 40245; relating to classified national security information), or any successor thereto, and Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information with industry), or any successor thereto, that meet the requirements of section 3001(b)(7) of such Act, as so amended.

SEC. 203. REVISIONS RELATING TO THE INTELLIGENCE COMMUNITY WHISTLEBLOWER PROTECTION ACT.

(a) IN GENERAL.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b)—

(A) by inserting ''(1)'' after ''(b)''; and

(B) by adding at the end the following:

''(2) If the head of an establishment determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the head of the establishment, the head of the establishment shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence. In such a case, the requirements of this section for the head of the establishment apply to the recipient of the Inspector General's transmission. The Director of National Intelligence shall consult with the members of the appellate review board established under section 204 of the Whistleblower Protection Enhancement Review Act of 2011 regarding all transmissions under this paragraph.'';

(2) by designating subsection (h) as subsection (i); and

(3) by inserting after subsection (g), the following:

''(h) An individual who has submitted a complaint or information to an Inspector General under this section may notify any member of Congress or congressional staff member of the fact that such individual has made a submission to that particular Inspector General, and of the date on which such submission was made.''.

(b) CENTRAL INTELLIGENCE AGENCY.—Section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subparagraph (B)—

(A) by inserting ''(i)'' after ''(B)''; and

(B) by adding at the end the following:

''(ii) If the Director determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the Director, the Director shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence. In such a case the requirements of this subsection for the Director apply to the recipient of the Inspector General's submission; and''; and

(2) by adding at the end the following:

''(H) An individual who has submitted a complaint or information to the Inspector General under this section may notify any member of Congress or congressional staff member of the fact that such individual has made a submission to the Inspector General, and of the date on which such submission was made.''.

SEC. 204. REGULATIONS; REPORTING REQUIREMENTS; NONAPPLICABILITY TO CERTAIN TERMINATIONS.

(a) DEFINITIONS.—In this section—

(1) the term ''congressional oversight committees'' means the—

(A) the Committee on Homeland Security and Government Affairs of the Senate;

(B) the Select Committee on Intelligence of the Senate;

(C) the Committee on Oversight and Government Reform of the House of Representatives; and

(D) the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the term ''intelligence community element''—

(A) means—

(i) the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

(ii) any executive agency or unit thereof determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities; and

(B) does not include the Federal Bureau of Investigation.

(b) REGULATIONS.—

(1) IN GENERAL.—The Director of National Intelligence shall prescribe regulations to ensure that a personnel action shall not be taken against an employee of an intelligence community element as a reprisal for any disclosure of information described in section 2303A(b) of title 5, United States Code, as added by this Act.

(2) APPELLATE REVIEW BOARD.—Not later than 180 days after the date of enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, the Attorney General, and the heads of appropriate agencies, shall establish an appellate review board that is broadly representative of affected Departments and agencies and is made up of individuals with expertise in merit systems principles and national security issues—

(A) to hear whistleblower appeals related to security clearance access determinations described in section 3001(j) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as added by this Act; and

(B) that shall include a subpanel that reflects the composition of the intelligence committee, which shall be composed of intelligence community elements and inspectors general from intelligence community elements, for the purpose of hearing cases that arise in elements of the intelligence community.

(c) REPORT ON THE STATUS OF IMPLEMENTATION OF REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Director of National Intelligence shall submit a report on the status of the implementation of the regulations promulgated under subsection (b) to the congressional oversight committees.

(d) NONAPPLICABILITY TO CERTAIN TERMINATIONS.—Section 2303A of title 5, United States Code, as added by this Act, and section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as amended by this Act, shall not apply to adverse security clearance or access determinations if the affected employee is concurrently terminated under—

(1) section 1609 of title 10, United States Code;

(2) the authority of the Director of National Intelligence under section 102A(m) of the National Security Act of 1947 (50 U.S.C. 403–1(m)), if—

(A) the Director personally summarily terminates the individual; and

(B) the Director—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination;

(3) the authority of the Director of the Central Intelligence Agency under section 104A(e) of the National Security Act of 1947 (50 U.S.C. 403–4a(e)), if—

(A) the Director personally summarily terminates the individual; and

(B) the Director—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination; or

(4) section 7532 of title 5, United States Code, if—

(A) the agency head personally terminates the individual; and

(B) the agency head—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination.

TITLE III—SAVINGS CLAUSE; EFFECTIVE DATE

SEC. 301. SAVINGS CLAUSE.

Nothing in this Act shall be construed to imply any limitation on any protections afforded by any other provision of law to employees and applicants.

SEC. 302. EFFECTIVE DATE.

This Act shall take effect 30 days after the date of enactment of this Act.

By Mr. CARDIN (for himself, Mrs. FEINSTEIN, Mr. LIEBERMAN, and Mr. KERRY):

S. 744. A bill to authorize certain Department of State personnel, who are responsible for examining and processing United States passport applications, to access relevant information in Federal, State, and other records and databases, for the purpose of verifying the identity of a passport applicant and detecting passport fraud, and for other purposes; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, this weekend I know that Marylanders will be taking advantage of Passport Day this Saturday, April 9. During these weekend hours at our passport acceptance facilities in Maryland, my constituents will have the ability to renew their passports or apply for a new passport, as we get ready for the summer travel season.

When Marylanders apply for and ultimately receive their passports, I want them to continue to have confidence that the U.S. passport is the gold standard for identification. It certifies

an individual's identity and U.S. citizenship, and allows the passport holder to travel in and out of the United States and to foreign countries. It allows the passport holder to obtain further identification documents, and to set up bank accounts.

The U.S. Government simply cannot allow U.S. passports to be issued in this country on the basis of fraudulent documents. There is too much at stake. Unfortunately, hearings that I have chaired in the last Congress have convinced me that we have serious vulnerabilities in our passport issuance process that need to be closed quickly.

Nearly two years ago, on May 5, 2009, I chaired a Judiciary Terrorism Subcommittee hearing entitled ''The Passport Issuance Process: Closing the Door to Fraud.'' During the hearing last year, we learned about a Government Accountability Office, GAO, undercover investigation that had been requested by Senators KYL and FEINSTEIN to test the effectiveness of the passport issuance process, and to determine whether malicious individuals such as terrorists, spies, or other criminals could use counterfeit documents to obtain a genuine U.S. passport. What we learned from GAO was that ''terrorists or criminals could steal an American citizen's identity, use basic counterfeiting skills to create fraudulent documents for that identity, and obtain a genuine U.S. passport.'' But that 2009 GAO report was not the first time that problems with the passport issuance process were identified. In 2005 and 2007, GAO also brought these issues to light.

Vulnerabilities in the passport issuance process are very serious because it can have a profound impact on the national security of the United States.

A new GAO undercover investigation that I requested, along with Senators KYL, FEINSTEIN, LIEBERMAN and COLLINS, also revealed that while some improvements have been made by the State Department, the passport issuance process is still susceptible to fraud. A Judiciary Terrorism Subcommittee hearing that I chaired in July of 2010 revealed that the State Department issued five additional passports on the basis of fraudulent identity documents that had been submitted by undercover GAO agents.

As a result, today I am reintroducing the Passport Identity Verification Act, or PIVA. This legislation is co-sponsored by Senators FEINSTEIN, LIEBERMAN, and KERRY. It is a common-sense solution that will give the State Department the legal authorities that it needs to access relevant information contained in federal, state, and other databases that can be used to verify the identity of every passport applicant, and to detect passport fraud, without extending the time that the State Department takes to approve passports. The legislation also requires the State Department to promulgate regulations to limit access to this information, and to ensure that personnel involved in the passport issuance process only access this information for authorized purposes. These are very important privacy and security protections in this legislation.

The legislation also requires the Secretary of State to conduct a formal study examining whether biometric information and technology can be used to enhance the ability to verify the identity of a passport applicant and to detect passport fraud.

I understand that the American people can become concerned when their travel plans, whether for leisure or business, are linked to their ability to obtain a passport in a timely fashion. My legislation would not lengthen the average amount of time it takes U.S. citizens to obtain passports. We have got to get this right, and it is not simply a question of process, techniques, and training. We need to make sure that the agencies that are responsible for processing passport application documents are concerned about national security as well as customer service, and we need to make sure they have the legal authorities, the resources, and the technology they need to verify the identity of a passport applicant and to detect passport fraud.

We already have much of the technology and the information to prevent such issuance of genuine U.S. passports based on fraudulent documents or information. The Passport Identity Verification Act will dramatically improve the State Department's ability to detect passport fraud, and strengthen the integrity of every American's passport.

By Mr. DURBIN (for himself, Mrs. BOXER, Mr. CARDIN, Mr. FRANKEN, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mrs. SHAHEEN, and Mr. TESTER):

S. 749. A bill to establish a revenue source for fair elections financing of Senate campaigns by providing an excise tax on amounts paid pursuant to contracts with the United States Government; to the Committee on Finance.

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

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

S. 749

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fair Elections Revenue Act of 2011''.

SEC. 2. FAIR ELECTIONS FUND REVENUE.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by inserting after chapter 36 the following new chapter:

''CHAPTER 37—TAX ON PAYMENTS PURSUANT TO CERTAIN GOVERNMENT CONTRACTS

''Sec. 4501. Imposition of tax.

''SEC. 4501. IMPOSITION OF TAX.

''(a) TAX IMPOSED.—There is hereby imposed on any payment made to a qualified person pursuant to a contract with the Government of the United States a tax equal to 0.50 percent of the amount paid.

''(b) LIMITATION.—The aggregate amount of tax imposed under subsection (a) for any calendar year shall not exceed $500,000.

''(c) QUALIFIED PERSON.—For purposes of this section, the term 'qualified person' means any person which—

''(1) is not a State or local government, a foreign nation, or an organization described in section 501(c)(3) which is exempt from taxation under section 501(a), and

''(2) has contracts with the Government of the United States with a value in excess of $10,000,000.

''(d) PAYMENT OF TAX.—The tax imposed by this section shall be paid by the person receiving such payment.

''(e) USE OF REVENUE GENERATED BY TAX.—It is the sense of the Senate that amounts equivalent to the revenue generated by the tax imposed under this chapter should be appropriated for the financing of a Fair Elections Fund and used for the public financing of Senate elections.''.

(b) CONFORMING AMENDMENT.—The table of chapter of the Internal Revenue Code of 1986 is amended by inserting after the item relating to chapter 36 the following:

''CHAPTER 37—TAX ON PAYMENTS PURSUANT TO CERTAIN GOVERNMENT CONTRACTS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into after the date of the enactment of this Act.

By Mr. DURBIN (for himself, Mrs. BOXER, Mr. CARDIN, Mr. FRANKEN, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MERKLEY, Ms. MIKULSKI, Mr. SANDERS, Mrs. SHAHEEN, and Mr. TESTER):

S. 750. A bill to reform the financing of Senate elections, and for other purposes; to the Committee on Rules and Administration.

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

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

S. 750

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Fair Elections Now Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

Subtitle A—Fair Elections Financing Program

SEC. 101. FINDINGS AND DECLARATIONS.

(a) UNDERMINING OF DEMOCRACY BY CAMPAIGN CONTRIBUTIONS FROM PRIVATE SOURCES.—The Senate finds and declares that the current system of privately financed campaigns for election to the United States Senate has the capacity, and is often perceived by the public, to undermine democracy in the United States by—

(1) creating a culture that fosters actual or perceived conflicts of interest by encouraging Senators to accept large campaign contributions from private interests that are directly affected by Federal legislation;

(2) diminishing or appearing to diminish Senators' accountability to constituents by compelling legislators to be accountable to the major contributors who finance their election campaigns;

(3) undermining the meaning of the right to vote by allowing monied interests to have a disproportionate and unfair influence within the political process;

(4) imposing large, unwarranted costs on taxpayers through legislative and regulatory distortions caused by unequal access to lawmakers for campaign contributors;

(5) making it difficult for some qualified candidates to mount competitive Senate election campaigns;

(6) disadvantaging challengers and discouraging competitive elections; and

(7) burdening incumbents with a preoccupation with fundraising and thus decreasing the time available to carry out their public responsibilities.

(b) ENHANCEMENT OF DEMOCRACY BY PROVIDING ALLOCATIONS FROM THE FAIR ELECTIONS FUND.—The Senate finds and declares that providing the option of the replacement of large private campaign contributions with allocations from the Fair Elections Fund for all primary, runoff, and general elections to the Senate would enhance American democracy by—

(1) reducing the actual or perceived conflicts of interest created by fully private financing of the election campaigns of public officials and restoring public confidence in the integrity and fairness of the electoral and legislative processes through a program which allows participating candidates to adhere to substantially lower contribution limits for contributors with an assurance that there will be sufficient funds for such candidates to run viable electoral campaigns;

(2) increasing the public's confidence in the accountability of Senators to the constituents who elect them, which derives from the program's qualifying criteria to participate in the voluntary program and the conclusions that constituents may draw regarding candidates who qualify and participate in the program;

(3) helping to reduce the ability to make large campaign contributions as a determinant of a citizen's influence within the political process by facilitating the expression of support by voters at every level of wealth, encouraging political participation, and incentivizing participation on the part of Senators through the matching of small dollar contributions;

(4) potentially saving taxpayers billions of dollars that may be (or that are perceived to be) currently allocated based upon legislative and regulatory agendas skewed by the influence of campaign contributions;

(5) creating genuine opportunities for all Americans to run for the Senate and encouraging more competitive elections;

(6) encouraging participation in the electoral process by citizens of every level of wealth; and

(7) freeing Senators from the incessant preoccupation with raising money, and allowing them more time to carry out their public responsibilities.

SEC. 102. ELIGIBILITY REQUIREMENTS AND BENEFITS OF FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS.

The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

''TITLE V—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

''Subtitle A—General Provisions

''SEC. 501. DEFINITIONS.

''In this title:

''(1) ALLOCATION FROM THE FUND.—The term 'allocation from the Fund' means an allocation of money from the Fair Elections Fund to a participating candidate pursuant to section 522.

''(2) BOARD.—The term 'Board' means the Fair Elections Oversight Board established under section 531.

''(3) FAIR ELECTIONS QUALIFYING PERIOD.—The term 'Fair Elections qualifying period' means, with respect to any candidate for Senator, the period—

''(A) beginning on the date on which the candidate files a statement of intent under section 511(a)(1); and

''(B) ending on the date that is 30 days before—

''(i) the date of the primary election; or

''(ii) in the case of a State that does not hold a primary election, the date prescribed by State law as the last day to qualify for a position on the general election ballot.

''(4) FAIR ELECTIONS START DATE.—The term 'Fair Elections start date' means, with respect to any candidate, the date that is 180 days before—

''(A) the date of the primary election; or

''(B) in the case of a State that does not hold a primary election, the date prescribed by State law as the last day to qualify for a position on the general election ballot.

''(5) FUND.—The term 'Fund' means the Fair Elections Fund established by section 502.

''(6) IMMEDIATE FAMILY.—The term 'immediate family' means, with respect to any candidate—

''(A) the candidate's spouse;

''(B) a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate's spouse; and

''(C) the spouse of any person described in subparagraph (B).

''(7) MATCHING CONTRIBUTION.—The term 'matching contribution' means a matching payment provided to a participating candidate for qualified small dollar contributions, as provided under section 523.

''(8) NONPARTICIPATING CANDIDATE.—The term 'nonparticipating candidate' means a candidate for Senator who is not a participating candidate.

''(9) PARTICIPATING CANDIDATE.—The term 'participating candidate' means a candidate for Senator who is certified under section 515 as being eligible to receive an allocation from the Fund.

''(10) QUALIFYING CONTRIBUTION.—The term 'qualifying contribution' means, with respect to a candidate, a contribution that—

''(A) is in an amount that is—

''(i) not less than the greater of $5 or the amount determined by the Commission under section 531; and

''(ii) not more than the greater of $100 or the amount determined by the Commission under section 531;

''(B) is made by an individual—

''(i) who is a resident of the State in which such Candidate is seeking election; and

''(ii) who is not otherwise prohibited from making a contribution under this Act;

''(C) is made during the Fair Elections qualifying period; and

''(D) meets the requirements of section 512(b).

''(11) QUALIFIED SMALL DOLLAR CONTRIBUTION.—The term 'qualified small dollar contribution' means, with respect to a candidate, any contribution (or series of contributions)—

''(A) which is not a qualifying contribution (or does not include a qualifying contribution);

''(B) which is made by an individual who is not prohibited from making a contribution under this Act; and

''(C) the aggregate amount of which does not exceed the greater of—

''(i) $100 per election; or

''(ii) the amount per election determined by the Commission under section 531.

''SEC. 502. FAIR ELECTIONS FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the 'Fair Elections Fund'.

''(b) AMOUNTS HELD BY FUND.—The Fund shall consist of the following amounts:

''(1) APPROPRIATED AMOUNTS.—

''(A) IN GENERAL.—Amounts appropriated to the Fund.

''(B) SENSE OF THE SENATE REGARDING APPROPRIATIONS.—It is the sense of the Senate that—

''(i) there should be imposed on any payment made to any person (other than a State or local government or a foreign nation) who has contracts with the Government of the United States in excess of $10,000,000 a tax equal to 0.50 percent of amount paid pursuant to such contracts, except that the aggregate tax for any person for any taxable year shall not exceed $500,000; and

''(ii) the revenue from such tax should be appropriated to the Fund.

''(2) VOLUNTARY CONTRIBUTIONS.—Voluntary contributions to the Fund.

''(3) OTHER DEPOSITS.—Amounts deposited into the Fund under—

''(A) section 513(c) (relating to exceptions to contribution requirements);

''(B) section 521(c) (relating to remittance of allocations from the Fund);

''(C) section 533 (relating to violations); and

''(D) any other section of this Act.

''(4) INVESTMENT RETURNS.—Interest on, and the proceeds from, the sale or redemption of, any obligations held by the Fund under subsection (c).

''(c) INVESTMENT.—The Commission shall invest portions of the Fund in obligations of the United States in the same manner as provided under section 9602(b) of the Internal Revenue Code of 1986.

''(d) USE OF FUND.—

''(1) IN GENERAL.—The sums in the Fund shall be used to provide benefits to participating candidates as provided in subtitle C.

''(2) INSUFFICIENT AMOUNTS.—Under regulations established by the Commission, rules similar to the rules of section 9006(c) of the Internal Revenue Code shall apply.

''Subtitle B—Eligibility and Certification

''SEC. 511. ELIGIBILITY.

''(a) IN GENERAL.—A candidate for Senator is eligible to receive an allocation from the Fund for any election if the candidate meets the following requirements:

''(1) The candidate files with the Commission a statement of intent to seek certification as a participating candidate under this title during the period beginning on the Fair Elections start date and ending on the last day of the Fair Elections qualifying period.

''(2) The candidate meets the qualifying contribution requirements of section 512.

''(3) Not later than the last day of the Fair Elections qualifying period, the candidate files with the Commission an affidavit signed by the candidate and the treasurer of the candidate's principal campaign committee declaring that the candidate—

''(A) has complied and, if certified, will comply with the contribution and expenditure requirements of section 513;

''(B) if certified, will comply with the debate requirements of section 514;

''(C) if certified, will not run as a nonparticipating candidate during such year in any election for the office that such candidate is seeking; and

''(D) has either qualified or will take steps to qualify under State law to be on the ballot.

''(b) GENERAL ELECTION.—Notwithstanding subsection (a), a candidate shall not be eligible to receive an allocation from the Fund for a general election or a general runoff election unless the candidate's party nominated the candidate to be placed on the ballot for the general election or the candidate otherwise qualified to be on the ballot under State law.

''SEC. 512. QUALIFYING CONTRIBUTION REQUIREMENT.

''(a) IN GENERAL.—A candidate for Senator meets the requirement of this section if, during the Fair Elections qualifying period, the candidate obtains—

''(1) a number of qualifying contributions equal to the greater of—

''(A) the sum of—

''(i) 2,000; plus

''(ii) 500 for each congressional district in the State with respect to which the candidate is seeking election; or

''(B) the amount determined by the Commission under section 531; and

''(2) a total dollar amount of qualifying contributions equal to the greater of—

''(A) 10 percent of the amount of the allocation such candidate would be entitled to receive for the primary election under section 522(c)(1) (determined without regard to paragraph (5) thereof) if such candidate were a participating candidate; or

''(B) the amount determined by the Commission under section 531.

''(b) REQUIREMENTS RELATING TO RECEIPT OF QUALIFYING CONTRIBUTION.—Each qualifying contribution—

''(1) may be made by means of a personal check, money order, debit card, credit card, or electronic payment account;

''(2) shall be accompanied by a signed statement containing—

''(A) the contributor's name and the contributor's address in the State in which the contributor is registered to vote; and

''(B) an oath declaring that the contributor—

''(i) understands that the purpose of the qualifying contribution is to show support for the candidate so that the candidate may qualify for Fair Elections financing;

''(ii) is making the contribution in his or her own name and from his or her own funds;

''(iii) has made the contribution willingly; and

''(iv) has not received any thing of value in return for the contribution; and

''(3) shall be acknowledged by a receipt that is sent to the contributor with a copy kept by the candidate for the Commission and a copy kept by the candidate for the election authorities in the State with respect to which the candidate is seeking election.

''(c) VERIFICATION OF QUALIFYING CONTRIBUTIONS.—The Commission shall establish procedures for the auditing and verification of qualifying contributions to ensure that such contributions meet the requirements of this section.

''SEC. 513. CONTRIBUTION AND EXPENDITURE REQUIREMENTS.

''(a) GENERAL RULE.—A candidate for Senator meets the requirements of this section if, during the election cycle of the candidate, the candidate—

''(1) except as provided in subsection (b), accepts no contributions other than—

''(A) qualifying contributions;

''(B) qualified small dollar contributions;

''(C) allocations from the Fund under section 522;

''(D) matching contributions under section 523; and

''(E) vouchers provided to the candidate under section 524;

''(2) makes no expenditures from any amounts other than from—

''(A) qualifying contributions;

''(B) qualified small dollar contributions;

''(C) allocations from the Fund under section 522;

''(D) matching contributions under section 523; and

''(E) vouchers provided to the candidate under section 524; and

''(3) makes no expenditures from personal funds or the funds of any immediate family member (other than funds received through qualified small dollar contributions and qualifying contributions).

For purposes of this subsection, a payment made by a political party in coordination with a participating candidate shall not be treated as a contribution to or as an expenditure made by the participating candidate.

''(b) CONTRIBUTIONS FOR LEADERSHIP PACS, ETC.—A political committee of a participating candidate which is not an authorized committee of such candidate may accept contributions other than contributions described in subsection (a)(1) from any person if—

''(1) the aggregate contributions from such person for any calendar year do not exceed $100; and

''(2) no portion of such contributions is disbursed in connection with the campaign of the participating candidate.

''(c) EXCEPTION.—Notwithstanding subsection (a), a candidate shall not be treated as having failed to meet the requirements of this section if any contributions that are not qualified small dollar contributions, qualifying contributions, or contributions that meet the requirements of subsection (b) and that are accepted before the date the candidate files a statement of intent under section 511(a)(1) are—

''(1) returned to the contributor; or

''(2) submitted to the Commission for deposit in the Fund.

''SEC. 514. DEBATE REQUIREMENT.

''A candidate for Senator meets the requirements of this section if the candidate participates in at least—

''(1) 1 public debate before the primary election with other participating candidates and other willing candidates from the same party and seeking the same nomination as such candidate; and

''(2) 2 public debates before the general election with other participating candidates and other willing candidates seeking the same office as such candidate.

''SEC. 515. CERTIFICATION.

''(a) IN GENERAL.—Not later than 5 days after a candidate for Senator files an affidavit under section 511(a)(3), the Commission shall—

''(1) certify whether or not the candidate is a participating candidate; and

''(2) notify the candidate of the Commission's determination.

''(b) REVOCATION OF CERTIFICATION.—

''(1) IN GENERAL.—The Commission may revoke a certification under subsection (a) if—

''(A) a candidate fails to qualify to appear on the ballot at any time after the date of certification; or

''(B) a candidate otherwise fails to comply with the requirements of this title, including any regulatory requirements prescribed by the Commission.

''(2) REPAYMENT OF BENEFITS.—If certification is revoked under paragraph (1), the candidate shall repay to the Fund an amount equal to the value of benefits received under this title plus interest (at a rate determined by the Commission) on any such amount received.

''Subtitle C—Benefits

''SEC. 521. BENEFITS FOR PARTICIPATING CANDIDATES.

''(a) IN GENERAL.—For each election with respect to which a candidate is certified as a participating candidate, such candidate shall be entitled to—

''(1) an allocation from the Fund to make or obligate to make expenditures with respect to such election, as provided in section 522;

''(2) matching contributions, as provided in section 523; and

''(3) for the general election, vouchers for broadcasts of political advertisements, as provided in section 524.

''(b) RESTRICTION ON USES OF ALLOCATIONS FROM THE FUND.—Allocations from the Fund received by a participating candidate under sections 522 and matching contributions under section 523 may only be used for campaign-related costs.

''(c) REMITTING ALLOCATIONS FROM THE FUND.—

''(1) IN GENERAL.—Not later than the date that is 45 days after an election in which the participating candidate appeared on the ballot, such participating candidate shall remit

to the Commission for deposit in the Fund an amount equal to the lesser of—

''(A) the amount of money in the candidate's campaign account; or

''(B) the sum of the allocations from the Fund received by the candidate under section 522 and the matching contributions received by the candidate under section 523.

''(2) EXCEPTION.—In the case of a candidate who qualifies to be on the ballot for a primary runoff election, a general election, or a general runoff election, the amounts described in paragraph (1) may be retained by the candidate and used in such subsequent election.

''SEC. 522. ALLOCATIONS FROM THE FUND.

''(a) IN GENERAL.—The Commission shall make allocations from the Fund under section 521(a)(1) to a participating candidate—

''(1) in the case of amounts provided under subsection (c)(1), not later than 48 hours after the date on which such candidate is certified as a participating candidate under section 515;

''(2) in the case of a general election, not later than 48 hours after—

''(A) the date of the certification of the results of the primary election or the primary runoff election; or

''(B) in any case in which there is no primary election, the date the candidate qualifies to be placed on the ballot; and

''(3) in the case of a primary runoff election or a general runoff election, not later than 48 hours after the certification of the results of the primary election or the general election, as the case may be.

''(b) METHOD OF PAYMENT.—The Commission shall distribute funds available to participating candidates under this section through the use of an electronic funds exchange or a debit card.

''(c) AMOUNTS.—

''(1) PRIMARY ELECTION ALLOCATION; INITIAL ALLOCATION.—Except as provided in paragraph (5), the Commission shall make an allocation from the Fund for a primary election to a participating candidate in an amount equal to 67 percent of the base amount with respect to such participating candidate.

''(2) PRIMARY RUNOFF ELECTION ALLOCATION.—The Commission shall make an allocation from the Fund for a primary runoff election to a participating candidate in an amount equal to 25 percent of the amount the participating candidate was eligible to receive under this section for the primary election.

''(3) GENERAL ELECTION ALLOCATION.—Except as provided in paragraph (5), the Commission shall make an allocation from the Fund for a general election to a participating candidate in an amount equal to the base amount with respect to such candidate.

''(4) GENERAL RUNOFF ELECTION ALLOCATION.—The Commission shall make an allocation from the Fund for a general runoff election to a participating candidate in an amount equal to 25 percent of the base amount with respect to such candidate.

''(5) UNCONTESTED ELECTIONS.—

''(A) IN GENERAL.—In the case of a primary or general election that is an uncontested election, the Commission shall make an allocation from the Fund to a participating candidate for such election in an amount equal to 25 percent of the allocation which such candidate would be entitled to under this section for such election if this paragraph did not apply.

''(B) UNCONTESTED ELECTION DEFINED.—For purposes of this subparagraph, an election is uncontested if not more than 1 candidate has campaign funds (including payments from the Fund) in an amount equal to or greater than 10 percent of the allocation a participating candidate would be entitled to receive under this section for such election if this paragraph did not apply.

''(d) BASE AMOUNT.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the base amount for any candidate is an amount equal to the greater of—

''(A) the sum of—

''(i) $750,000; plus

''(ii) $150,000 for each congressional district in the State with respect to which the candidate is seeking election; or

''(B) the amount determined by the Commission under section 531.

''(2) INDEXING.—In each even-numbered year after 2013—

''(A) each dollar amount under paragraph (1)(A) shall be increased by the percent difference between the price index (as defined in section 315(c)(2)(A)) for the 12 months preceding the beginning of such calendar year and the price index for calendar year 2012;

''(B) each dollar amount so increased shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election; and

''(C) if any amount after adjustment under subparagraph (A) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.

''SEC. 523. MATCHING PAYMENTS FOR QUALIFIED SMALL DOLLAR CONTRIBUTIONS.

''(a) IN GENERAL.—The Commission shall pay to each participating candidate an amount equal to 500 percent of the amount of qualified small dollar contributions received by the candidate from individuals who are residents of the State in which such participating candidate is seeking election after the date on which such candidate is certified under section 515.

''(b) LIMITATION.—The aggregate payments under subsection (a) with respect to any candidate shall not exceed the greater of—

''(1) 300 percent of the allocation such candidate is entitled to receive for such election under section 522 (determined without regard to subsection (c)(5) thereof); or

''(2) the percentage of such allocation determined by the Commission under section 531.

''(c) TIME OF PAYMENT.—The Commission shall make payments under this section not later than 2 business days after the receipt of a report made under subsection (d).

''(d) REPORTS.—

''(1) IN GENERAL.—Each participating candidate shall file reports of receipts of qualified small dollar contributions at such times and in such manner as the Commission may by regulations prescribe.

''(2) CONTENTS OF REPORTS.—Each report under this subsection shall disclose—

''(A) the amount of each qualified small dollar contribution received by the candidate;

''(B) the amount of each qualified small dollar contribution received by the candidate from a resident of the State in which the candidate is seeking election; and

''(C) the name, address, and occupation of each individual who made a qualified small dollar contribution to the candidate.

''(3) FREQUENCY OF REPORTS.—Reports under this subsection shall be made no more frequently than—

''(A) once every month until the date that is 90 days before the date of the election;

''(B) once every week after the period described in subparagraph (A) and until the date that is 21 days before the election; and

''(C) once every day after the period described in subparagraph (B).

''(4) LIMITATION ON REGULATIONS.—The Commission may not prescribe any regulations with respect to reporting under this subsection with respect to any election after the date that is 180 days before the date of such election.

''(e) APPEALS.—The Commission shall provide a written explanation with respect to any denial of any payment under this section and shall provide the opportunity for review and reconsideration within 5 business days of such denial.

''SEC. 524. POLITICAL ADVERTISING VOUCHERS.

''(a) IN GENERAL.—The Commission shall establish and administer a voucher program for the purchase of airtime on broadcasting stations for political advertisements in accordance with the provisions of this section.

''(b) CANDIDATES.—The Commission shall only disburse vouchers under the program established under subsection (a) to participants certified pursuant to section 515 who have agreed in writing to keep and furnish to the Commission such records, books, and other information as it may require.

''(c) AMOUNTS.—The Commission shall disburse vouchers to each candidate certified under subsection (b) in an aggregate amount equal to the greater of—

''(1) $100,000 multiplied by the number of congressional districts in the State with respect to which such candidate is running for office; or

''(2) the amount determined by the Commission under section 531.

''(d) USE.—

''(1) EXCLUSIVE USE.—Vouchers disbursed by the Commission under this section may be used only for the purchase of broadcast airtime for political advertisements relating to a general election for the office of Senate by the participating candidate to which the vouchers were disbursed, except that—

''(A) a candidate may exchange vouchers with a political party under paragraph (2); and

''(B) a political party may use vouchers only to purchase broadcast airtime for political advertisements for generic party advertising (as defined by the Commission in regulations), to support candidates for State or local office in a general election, or to support participating candidates of the party in a general election for Federal office, but only if it discloses the value of the voucher used as an expenditure under section 315(d).

''(2) EXCHANGE WITH POLITICAL PARTY COMMITTEE.—

''(A) IN GENERAL.—A participating candidate who receives a voucher under this section may transfer the right to use all or a portion of the value of the voucher to a committee of the political party of which the individual is a candidate (or, in the case of a participating candidate who is not a member of any political party, to a committee of the political party of that candidate's choice) in exchange for money in an amount equal to the cash value of the voucher or portion exchanged.

''(B) CONTINUATION OF CANDIDATE OBLIGATIONS.—The transfer of a voucher, in whole or in part, to a political party committee under this paragraph does not release the candidate from any obligation under the agreement made under subsection (b) or otherwise modify that agreement or its application to that candidate.

''(C) PARTY COMMITTEE OBLIGATIONS.—Any political party committee to which a voucher or portion thereof is transferred under subparagraph (A)—

''(i) shall account fully, in accordance with such requirements as the Commission may establish, for the receipt of the voucher; and

''(ii) may not use the transferred voucher or portion thereof for any purpose other than a purpose described in paragraph (1)(B).

''(D) VOUCHER AS A CONTRIBUTION UNDER FECA.—If a candidate transfers a voucher or any portion thereof to a political party committee under subparagraph (A)—

''(i) the value of the voucher or portion thereof transferred shall be treated as a contribution from the candidate to the committee, and from the committee to the candidate, for purposes of sections 302 and 304;

''(ii) the committee may, in exchange, provide to the candidate only funds subject to the prohibitions, limitations, and reporting requirements of title III of this Act; and

''(iii) the amount, if identified as a 'voucher exchange', shall not be considered a contribution for the purposes of sections 315 and 513.

''(e) VALUE; ACCEPTANCE; REDEMPTION.—

''(1) VOUCHER.—Each voucher disbursed by the Commission under this section shall have a value in dollars, redeemable upon presentation to the Commission, together with such documentation and other information as the Commission may require, for the purchase of broadcast airtime for political advertisements in accordance with this section.

''(2) ACCEPTANCE.—A broadcasting station shall accept vouchers in payment for the purchase of broadcast airtime for political advertisements in accordance with this section.

''(3) REDEMPTION.—The Commission shall redeem vouchers accepted by broadcasting stations under paragraph (2) upon presentation, subject to such documentation, verification, accounting, and application requirements as the Commission may impose to ensure the accuracy and integrity of the voucher redemption system.

''(4) EXPIRATION.—

''(A) CANDIDATES.—A voucher may only be used to pay for broadcast airtime for political advertisements to be broadcast before midnight on the day before the date of the Federal election in connection with which it was issued and shall be null and void for any other use or purpose.

''(B) EXCEPTION FOR POLITICAL PARTY COMMITTEES.—A voucher held by a political party committee may be used to pay for broadcast airtime for political advertisements to be broadcast before midnight on December 31st of the odd-numbered year following the year in which the voucher was issued by the Commission.

''(5) VOUCHER AS EXPENDITURE UNDER FECA.—The use of a voucher to purchase broadcast airtime constitutes an expenditure as defined in section 301(9)(A).

''(f) DEFINITIONS.—In this section:

''(1) BROADCASTING STATION.—The term 'broadcasting station' has the meaning given that term by section 315(f)(1) of the Communications Act of 1934.

''(2) POLITICAL PARTY.—The term 'political party' means a major party or a minor party as defined in section 9002(3) or (4) of the Internal Revenue Code of 1986 (26 U.S.C. 9002 (3) or (4)).

''Subtitle D—Administrative Provisions

''SEC. 531. FAIR ELECTIONS OVERSIGHT BOARD.

''(a) ESTABLISHMENT.—There is established within the Federal Election Commission an entity to be known as the 'Fair Elections Oversight Board'.

''(b) STRUCTURE AND MEMBERSHIP.—

''(1) IN GENERAL.—The Board shall be composed of 5 members appointed by the President by and with the advice and consent of the Senate, of whom—

''(A) 2 shall be appointed after consultation with the majority leader of the Senate;

''(B) 2 shall be appointed after consultation with the minority leader of the Senate; and

''(C) 1 shall be appointed upon the recommendation of the members appointed under subparagraphs (A) and (B).

''(2) QUALIFICATIONS.—

''(A) IN GENERAL.—The members shall be individuals who are nonpartisan and, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Board.

''(B) PROHIBITION.—No member of the Board may be—

''(i) an employee of the Federal Government;

''(ii) a registered lobbyist; or

''(iii) an officer or employee of a political party or political campaign.

''(3) DATE.—Members of the Board shall be appointed not later than 60 days after the date of the enactment of this Act.

''(4) TERMS.—A member of the Board shall be appointed for a term of 5 years.

''(5) VACANCIES.—A vacancy on the Board shall be filled not later than 30 calendar days after the date on which the Board is given notice of the vacancy, in the same manner as the original appointment. The individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual's predecessor was appointed.

''(6) CHAIRPERSON.—The Board shall designate a Chairperson from among the members of the Board.

''(c) DUTIES AND POWERS.—

''(1) ADMINISTRATION.—

''(A) IN GENERAL.—The Board shall have such duties and powers as the Commission may prescribe, including the power to administer the provisions of this title.

''(2) REVIEW OF FAIR ELECTIONS FINANCING.—

''(A) IN GENERAL.—After each general election for Federal office, the Board shall conduct a comprehensive review of the Fair Elections financing program under this title, including—

''(i) the maximum dollar amount of qualified small dollar contributions under section 501(11);

''(ii) the maximum and minimum dollar amounts for qualifying contributions under section 501(10);

''(iii) the number and value of qualifying contributions a candidate is required to obtain under section 512 to qualify for allocations from the Fund;

''(iv) the amount of allocations from the Fund that candidates may receive under section 522;

''(v) the maximum amount of matching contributions a candidate may receive under section 523;

''(vi) the amount and usage of vouchers under section 524;

''(vii) the overall satisfaction of participating candidates and the American public with the program; and

''(viii) such other matters relating to financing of Senate campaigns as the Board determines are appropriate.

''(B) CRITERIA FOR REVIEW.—In conducting the review under subparagraph (A), the Board shall consider the following:

''(i) QUALIFYING CONTRIBUTIONS AND QUALIFIED SMALL DOLLAR CONTRIBUTIONS.—The Board shall consider whether the number and dollar amount of qualifying contributions required and maximum dollar amount for such qualifying contributions and qualified small dollar contributions strikes a balance regarding the importance of voter involvement, the need to assure adequate incentives for participating, and fiscal responsibility, taking into consideration the number of primary and general election participating candidates, the electoral performance of those candidates, program cost, and any other information the Board determines is appropriate.

''(ii) REVIEW OF PROGRAM BENEFITS.—The Board shall consider whether the totality of the amount of funds allowed to be raised by participating candidates (including through qualifying contributions and small dollar contributions), allocations from the Fund under sections 522, matching contributions under section 523, and vouchers under section 524 are sufficient for voters in each State to learn about the candidates to cast an informed vote, taking into account the historic amount of spending by winning candidates, media costs, primary election dates, and any other information the Board determines is appropriate.

''(C) ADJUSTMENT OF AMOUNTS.—

''(i) IN GENERAL.—Based on the review conducted under subparagraph (A), the Board shall provide for the adjustments of the following amounts:

''(I) the maximum dollar amount of qualified small dollar contributions under section 501(11)(C);

''(II) the maximum and minimum dollar amounts for qualifying contributions under section 501(10)(A);

''(III) the number and value of qualifying contributions a candidate is required to obtain under section 512(a)(1);

''(IV) the base amount for candidates under section 522(d);

''(V) the maximum amount of matching contributions a candidate may receive under section 523(b); and

''(VI) the dollar amount for vouchers under section 524(c).

''(ii) REGULATIONS.—The Commission shall promulgate regulations providing for the adjustments made by the Board under clause (i).

''(D) REPORT.—Not later than March 30 following any general election for Federal office, the Board shall submit a report to Congress on the review conducted under paragraph (1). Such report shall contain a detailed statement of the findings, conclusions, and recommendations of the Board based on such review.

''(d) MEETINGS AND HEARINGS.—

''(1) MEETINGS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out the purposes of this Act.

''(2) QUORUM.—Three members of the Board shall constitute a quorum for purposes of voting, but a quorum is not required for members to meet and hold hearings.

''(e) REPORTS.—Not later than March 30, 2012, and every 2 years thereafter, the Board shall submit to the Senate Committee on Rules and Administration a report documenting, evaluating, and making recommendations relating to the administrative implementation and enforcement of the provisions of this title.

''(f) ADMINISTRATION.—

''(1) COMPENSATION OF MEMBERS.—

''(A) IN GENERAL.—Each member, other than the Chairperson, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

''(B) CHAIRPERSON.—The Chairperson shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(2) PERSONNEL.—

''(A) DIRECTOR.—The Board shall have a staff headed by an Executive Director. The Executive Director shall be paid at a rate equivalent to a rate established for the Senior Executive Service under section 5382 of title 5, United States Code.

''(B) STAFF APPOINTMENT.—With the approval of the Chairperson, the Executive Director may appoint such personnel as the Executive Director and the Board determines to be appropriate.

''(C) ACTUARIAL EXPERTS AND CONSULTANTS.—With the approval of the Chairperson, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

''(D) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Chairperson, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Board to assist in carrying out the duties of the Board. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

''(E) OTHER RESOURCES.—The Board shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress and other agencies of the executive and legislative branches of the Federal Government. The Chairperson of the Board shall make requests for such access in writing when necessary.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this subtitle.

''SEC. 532. ADMINISTRATION PROVISIONS.

''The Commission shall prescribe regulations to carry out the purposes of this title, including regulations—

''(1) to establish procedures for—

''(A) verifying the amount of valid qualifying contributions with respect to a candidate;

''(B) effectively and efficiently monitoring and enforcing the limits on the raising of qualified small dollar contributions;

''(C) effectively and efficiently monitoring and enforcing the limits on the use of personal funds by participating candidates;

''(D) monitoring the use of allocations from the Fund and matching contributions under this title through audits or other mechanisms; and

''(E) the administration of the voucher program under section 524; and

''(2) regarding the conduct of debates in a manner consistent with the best practices of States that provide public financing for elections.

''SEC. 533. VIOLATIONS AND PENALTIES.

''(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBUTION AND EXPENDITURE REQUIREMENTS.—If a candidate who has been certified as a participating candidate under section 515(a) accepts a contribution or makes an expenditure that is prohibited under section 513, the Commission shall assess a civil penalty against the candidate in an amount that is not more than 3 times the amount of the contribution or expenditure. Any amounts collected under this subsection shall be deposited into the Fund.

''(b) REPAYMENT FOR IMPROPER USE OF FAIR ELECTIONS FUND.—

''(1) IN GENERAL.—If the Commission determines that any benefit made available to a participating candidate under this title was not used as provided for in this title or that a participating candidate has violated any of the dates for remission of funds contained in this title, the Commission shall so notify the candidate and the candidate shall pay to the Fund an amount equal to—

''(A) the amount of benefits so used or not remitted, as appropriate; and

''(B) interest on any such amounts (at a rate determined by the Commission).

''(2) OTHER ACTION NOT PRECLUDED.—Any action by the Commission in accordance with this subsection shall not preclude enforcement proceedings by the Commission in accordance with section 309(a), including a referral by the Commission to the Attorney General in the case of an apparent knowing and willful violation of this title.''.

SEC. 103. PROHIBITION ON JOINT FUNDRAISING COMMITTEES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by adding at the end the following new paragraph:

''(6) No authorized committee of a participating candidate (as defined in section 501) may establish a joint fundraising committee with a political committee other than an authorized committee of a candidate.''.

SEC. 104. EXCEPTION TO LIMITATION ON COORDINATED EXPENDITURES BY POLITICAL PARTY COMMITTEES WITH PARTICIPATING CANDIDATES.

Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (3)(A), by striking ''in the case of'' and inserting ''except as provided in paragraph (5), in the case of'' and

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

''(5)(A) The limitation under paragraph (3)(A) shall not apply with respect to any expenditure from a qualified political party-participating candidate coordinated expenditure fund.

''(B) In this paragraph, the term 'qualified political party-participating candidate coordinated expenditure fund' means a fund established by the national committee of a political party, or a State committee of a political party, including any subordinate committee of a State committee, for purposes of making expenditures in connection with the general election campaign of a candidate for election to the office of Senator who is a participating candidate (as defined in section 501), that only accepts qualified coordinated expenditure contributions.

''(C) In this paragraph, the term 'qualified coordinated expenditure contribution' means, with respect to the general election campaign of a candidate for election to the office of Senator who is a participating candidate (as defined in section 501), any contribution (or series of contributions)—

''(i) which is made by an individual who is not prohibited from making a contribution under this Act; and

''(ii) the aggregate amount of which does not exceed $500 per election.''.

TITLE II—IMPROVING VOTER INFORMATION

SEC. 201. BROADCASTS RELATING TO ALL SENATE CANDIDATES.

(a) LOWEST UNIT CHARGE; NATIONAL COMMITTEES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by striking ''to such office'' in paragraph (1) and inserting ''to such office, or by a national committee of a political party on behalf of such candidate in connection with such campaign,''; and

(2) by inserting ''for pre-emptible use thereof'' after ''station'' in subparagraph (A) of paragraph (1).

(b) PREEMPTION; AUDITS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively and moving them to follow the existing subsection (e);

(2) by redesignating the existing subsection (e) as subsection (c); and

(3) by inserting after subsection (c) (as redesignated by paragraph (2)) the following:

''(d) PREEMPTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), and notwithstanding the requirements of subsection (b)(1)(A), a licensee shall not preempt the use of a broadcasting station by a legally qualified candidate for Senate who has purchased and paid for such use.

''(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the station, any candidate or party advertising spot scheduled to be broadcast during that program shall be treated in the same fashion as a comparable commercial advertising spot.

''(e) AUDITS.—During the 30-day period preceding a primary election and the 60-day period preceding a general election, the Commission shall conduct such audits as it deems necessary to ensure that each broadcaster to which this section applies is allocating television broadcast advertising time in accordance with this section and section 312.''.

(c) REVOCATION OF LICENSE FOR FAILURE TO PERMIT ACCESS.—Section 312(a)(7) of the Communications Act of 1934 (47 U.S.C. 312(a)(7)) is amended—

(1) by striking ''or repeated'';

(2) by inserting ''or cable system'' after ''broadcasting station''; and

(3) by striking ''his candidacy'' and inserting ''the candidacy of the candidate, under the same terms, conditions, and business practices as apply to the most favored advertiser of the licensee''.

(d) STYLISTIC AMENDMENTS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by striking ''the'' in subsection (e)(1), as redesignated by subsection (b)(1), and inserting ''BROADCASTING STATION.—'';

(2) by striking ''the'' in subsection (e)(2), as redesignated by subsection (b)(1), and inserting ''LICENSEE; STATION LICENSEE.—''; and

(3) by inserting ''REGULATIONS.—'' in subsection (f), as redesignated by subsection (b)(1), before ''The Commission''.

SEC. 202. BROADCAST RATES FOR PARTICIPATING CANDIDATES.

Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)), as amended by subsection (a), is amended—

(1) in paragraph (1)(A), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(2) by adding at the end the following:

''(3) PARTICIPATING CANDIDATES.—In the case of a participating candidate (as defined under section 501(9) of the Federal Election Campaign Act of 1971), the charges made for the use of any broadcasting station for a television broadcast shall not exceed 80 percent of the lowest charge described in paragraph (1)(A) during—

''(A) the 45 days preceding the date of a primary or primary runoff election in which the candidate is opposed; and

''(B) the 60 days preceding the date of a general or special election in which the candidate is opposed.

''(4) RATE CARDS.—A licensee shall provide to a candidate for Senate a rate card that discloses—

''(A) the rate charged under this subsection; and

''(B) the method that the licensee uses to determine the rate charged under this subsection.''.

SEC. 203. FCC TO PRESCRIBE STANDARDIZED FORM FOR REPORTING CANDIDATE CAMPAIGN ADS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall initiate a rulemaking proceeding to establish a standardized form to be used by broadcasting stations, as defined in section 315(f)(1) of the Communications Act of 1934 (47 U.S.C. 315(f)(1)), to record and report the purchase

of advertising time by or on behalf of a candidate for nomination for election, or for election, to Federal elective office.

(b) CONTENTS.—The form prescribed by the Commission under subsection (a) shall require, broadcasting stations to report to the Commission and to the Federal Election Commission, at a minimum—

(1) the station call letters and mailing address;

(2) the name and telephone number of the station's sales manager (or individual with responsibility for advertising sales);

(3) the name of the candidate who purchased the advertising time, or on whose behalf the advertising time was purchased, and the Federal elective office for which he or she is a candidate;

(4) the name, mailing address, and telephone number of the person responsible for purchasing broadcast political advertising for the candidate;

(5) notation as to whether the purchase agreement for which the information is being reported is a draft or final version; and

(6) the following information about the advertisement:

(A) The date and time of the broadcast.

(B) The program in which the advertisement was broadcast.

(C) The length of the broadcast airtime.

(c) INTERNET ACCESS.—In its rulemaking under subsection (a), the Commission shall require any broadcasting station required to file a report under this section that maintains an Internet website to make available a link to such reports on that website.

TITLE III—RESPONSIBILITIES OF THE FEDERAL ELECTION COMMISSION

SEC. 301. PETITION FOR CERTIORARI.

Section 307(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437d(a)(6)) is amended by inserting ''(including a proceeding before the Supreme Court on certiorari)'' after ''appeal''.

SEC. 302. FILING BY SENATE CANDIDATES WITH COMMISSION.

Section 302(g) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)) is amended to read as follows:

''(g) FILING WITH THE COMMISSION.—All designations, statements, and reports required to be filed under this Act shall be filed with the Commission.''.

SEC. 303. ELECTRONIC FILING OF FEC REPORTS.

Section 304(a)(11) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)) is amended—

(1) in subparagraph (A), by striking ''under this Act—'' and all that follows and inserting ''under this Act shall be required to maintain and file such designation, statement, or report in electronic form accessible by computers.'';

(2) in subparagraph (B), by striking ''48 hours'' and all that follows through ''filed electronically)'' and inserting ''24 hours''; and

(3) by striking subparagraph (D).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 402. EFFECTIVE DATE.

Except as otherwise provided for in this Act, this Act and the amendments made by this Act shall take effect on January 1, 2012.

By Mrs. FEINSTEIN (for herself, Mr. ISAKSON, and Mr. KERRY):

S. 752. A bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise to call for a new effort to combat an often deadly form of cancer—by reintroducing the Lung Cancer Mortality Reduction Act. I am pleased to be joined by my cosponsors, Senator ISAKSON and Senator KERRY on this very important bill.

This bill will renew and improve Federal government's efforts to combat lung cancer. It will: set a goal to reduce lung cancer mortality by 50 percent by 2020; establish a Lung Cancer Mortality Reduction Program, with comprehensive interagency coordination, to develop and implement a plan to meet this goal; improve disparity programs to ensure that the burdens of lung cancer on minority populations are addressed; create a computed tomography screening demonstration project based on recent science; and establish a Lung Cancer Advisory Board, which will provide an annual report to Congress on the progress of the Mortality Reduction Program.

We have made great strides against many types of cancer in the last several decades. However, these gains are uneven.

When the National Cancer Act was passed in 1971, lung cancer had a 5-year survival rate of only 12 percent. After decades of research efforts and scientific advances, this survival rate remains only 15 percent.

In contrast, the 5 year survival rates of breast, prostate, and colon cancer have risen to 89, 99 and 65 percent respectively.

Lung cancer is the leading cause of cancer death for both men and women, accounting for 28 percent of all cancer deaths.

Lung cancer causes more deaths annually than: colon cancer, breast cancer, prostate cancer, and pancreatic cancer combined.

A National Cancer Institute study in 2009 indicated that the value of life lost to lung cancer will exceed $433 billion annually by 2020.

A four percent annual decline in mortality would reduce this amount by more than half.

A lung cancer diagnosis can be devastating. The average life expectancy following a lung cancer diagnosis is only 9 months.

This is because far too many patients are not diagnosed with lung cancer until it has progressed to the later stages. Lung cancer can be hard to diagnose, and symptoms may at first appear to be other illnesses, such as bronchitis, chronic obstructive pulmonary disease, or asthma.

As a result, only 16 percent of lung cancer patients are diagnosed when their cancer is still localized, and is the most treatable.

When I introduced this legislation in 2009, lung cancer lacked early detection technology, to find the cancer when it was most treatable. Now, however, preliminary results show a screening method with a demonstrated reduction in mortality for lung cancer.

In 2010, the National Cancer Institute released initial results from the National Lung Screening Trial, a large-scale study of screening methods to detect lung cancers at earlier stages.

The National Lung Screening Trial found a 20 percent reduction in lung cancer mortality among participants screened with the computed tomography screening versus a traditional X-ray.

This is the first time that researchers have seen evidence of a significant reduction in lung cancer mortality with a screening test.

This is why this legislation also includes the creation of a computed tomography screening demonstration project, to assess public health needs of screening for lung cancer, and develop the most effective, safe, equitable, and efficient process to maximize the benefit of screening.

Efforts to fight lung cancer lag behind other cancers, in part, due to stigma from smoking. Make no mistake, tobacco use causes the majority of lung cancer cases.

Tobacco cessation is a critical component of reducing lung cancer mortality. Less smoking means less lung cancer. Period.

But tobacco use does not fully explain lung cancer. Approximately 20 percent of lung cancer patients never smoked.

Two-thirds of individuals diagnosed with lung cancer who have never smoked are women.

60 percent of lung cancer patients are former smokers who quit, often decades ago.

These patients may have been exposed to second hand smoke, or they may have been exposed to radon, asbestos, chromium, or other chemicals. There could be other causes and associations that have not yet been discovered, genetic predispositions or other environmental exposures.

The President's National Cancer Advisory Board Report of 2010 identified radon as the second leading cause of lung cancer after smoking and listed 15 other environmental contaminants strongly associated with lung cancer.

I believe that we have the expertise and technology to make serious progress against this deadly cancer, and to reach the goal of halving lung cancer mortality by 2020.

We need this legislation to ensure that our government's resources are focused on this mission in the most efficient way possible.

Agency efforts must be coordinated, and all sectors of the federal government that may have some ideas to lend should be participating. That is what the Lung Cancer Mortality Reduction Program will accomplish.

In this bill the Secretary of Health and Human Services is tasked to work

in consultation with Secretaries and Directors from the Department of Defense, Veterans Affairs, the National Institutes of Health, the Centers for Disease Control and Prevention, and Food and Drug Administration, the Centers for Medicare and Medicaid, and the National Center on Minority Health and Health Disparities.

This means that each agency with an expertise on lungs, imaging, and cancer will be included in this long overdue process.

We can do better for Americans diagnosed with lung cancer. I ask my colleagues to support this legislation.

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

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

S. 752

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lung Cancer Mortality Reduction Act of 2011''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Lung cancer is the leading cause of cancer death for both men and women, accounting for 28 percent of all cancer deaths.

(2) The National Cancer Institute estimates that in 2010, there were 222,520 new diagnosis of lung cancer and 157,300 deaths attributed to the disease.

(3) According to projections published in the Journal of Clinical Oncology in 2009, between 2010 and 2030, the incidence of lung cancer will increase by 46 percent for women and by 58 percent for men. The increase in the incidence of lung cancer among minority communities during that time period will range from 74 percent to 191 percent.

(4) Lung cancer causes more deaths annually than the next 4 leading causes of cancer deaths, colon cancer, breast cancer, prostate cancer, and pancreatic cancer, combined.

(5) The 5-year survival rate for lung cancer is only 15 percent, while the 5-year survival rate for breast cancer is 89 percent, for prostate cancer 99 percent, and for colon cancer 65 percent. Yet in research dollars per death, lung cancer is the least funded of the major cancers.

(6) In 2001, the Lung Cancer Progress Review Group of the National Cancer Institute stated that funding for lung cancer research was ''far below the levels characterized for other common malignancies and far out of proportion to its massive health impact'' and it gave the ''highest priority'' to the creation of an integrated multidisciplinary, multi-institutional research program. No comprehensive plan has been developed.

(7) While smoking is the leading risk factor for lung cancer, the President's National Cancer Advisory Board Report of 2010 identified radon as the second leading cause of lung cancer and listed 15 other environmental contaminants strongly association with lung cancer, and there is accumulating evidence that hormonal and genetic factors may influence the onset.

(8) Lung cancer is the most stigmatized of all the cancers and the only cancer blamed on patients, whether they smoked or not.

(9) Nearly 20 percent of lung cancer patients have never smoked. Sixty percent of individuals diagnosed with lung cancer are former smokers who quit, often decades ago.

(10) Lung cancer in men and women who never smoked is the sixth leading cause of cancer death. Of individuals diagnosed with lung cancer who have never smoked, ⅔ of are women.

(11) Lung cancer is the leading cause of cancer death in the overall population and in every major ethnic grouping, including white, African American, Hispanic, Asian and Pacific Islander, American Indian, and Alaskan Native, with an even disproportionately higher impact on African American males that has not been addressed.

(12) Military personnel, veterans, and munitions workers exposed to carcinogens such as Agent Orange, crystalline forms of silica, arsenic, uranium, beryllium, and battlefield fuel emissions have increased risk for lung cancer.

(13) Only 16 percent of lung cancer is being diagnosed at an early stage and there were no targets for the early detection or treatment of lung cancer included in the Department of Health and Human Services's ''Healthy People 2010'' or ''Healthy People 2020''.

(14) An actuarial analysis carried out by Milliman Inc. and published in Population Health Management Journal in 2009 indicated that early detection of lung cancer could save more than 70,000 lives a year in the United States.

(15) A National Cancer Institute study in 2009 indicated that while the value of life lost to lung cancer will exceed $433,000,000,000 a year by 2020, a 4 percent annual decline in lung cancer mortality would reduce that amount by more than half.

(16) In 2010, the National Cancer Institute released initial results from the National Lung Screening Trial, a large-scale randomized national trial that compared the effect of low-dose helical computed tomography (''CT'') and a standard chest x-ray on lung cancer mortality. The study found 20 percent fewer lung cancer deaths among study participants screened with the CT scan.

SEC. 3. SENSE OF THE SENATE CONCERNING INVESTMENT IN LUNG CANCER RESEARCH.

It is the sense of the Senate that—

(1) lung cancer mortality reduction should be made a national public health priority; and

(2) a comprehensive mortality reduction program coordinated by the Secretary of Health and Human Services is justified and necessary to adequately address all aspects of lung cancer and reduce lung cancer mortality among current smokers, former smokers, and non-smokers.

SEC. 4. LUNG CANCER MORTALITY REDUCTION PROGRAM.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399V–6. LUNG CANCER MORTALITY REDUCTION PROGRAM.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Lung Cancer Mortality Reduction Act of 2011, the Secretary, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, the Administrator of the Centers for Medicare & Medicaid Services, the Director of the National Center on Minority Health and Health Disparities, and other members of the Lung Cancer Advisory Board established under section 7 of the Lung Cancer Mortality Reduction Act of 2011, shall implement a comprehensive program to achieve a 50 percent reduction in the mortality rate of lung cancer by 2020.

''(b) REQUIREMENTS.—The program implemented under subsection (a) shall include at least the following:

''(1) With respect to the National Institutes of Health—

''(A) a strategic review and prioritization by the National Cancer Institute of research grants to achieve the goal of the lung cancer mortality reduction program in reducing lung cancer mortality;

''(B) the provision of funds to enable the Airway Biology and Disease Branch of the National Heart, Lung, and Blood Institute to expand its research programs to include predispositions to lung cancer, the interrelationship between lung cancer and other pulmonary and cardiac disease, and the diagnosis and treatment of these interrelationships;

''(C) the provision of funds to enable the National Institute of Biomedical Imaging and Bioengineering to expedite the development of screening, diagnostic, surgical, treatment, and drug testing innovations to facilitate the potential of imaging as a biomarker and reduce lung cancer mortality, such as through expansion of the Quantum Grant Program and Image-Guided Interventions programs of the National Institute of Biomedical Imaging and Bioengineering;

''(D) the provision of funds to enable the National Institute of Environmental Health Sciences to implement research programs relative to lung cancer incidence; and;

''(E) the provision of funds to enable the National Institute on Minority Health and Health Disparities to collaborate on prevention, early detection, and disease management research, and to conduct outreach programs in order to address the impact of lung cancer on minority populations.

''(2) With respect to the Food and Drug Administration, the provision of funds to enable the Center for Devices and Radiologic Health to—

''(A) establish quality standards and guidelines for hospitals, outpatient departments, clinics, radiology practices, mobile units, physician offices, or other facilities that conduct computed tomography screening for lung cancer;

''(B) provide for the expedited revision of standards and guidelines, as required to accommodate technological advances in imaging; and

''(C) conduct an annual random sample survey to review compliance and evaluate dose and accuracy performance.

''(3) With respect to the Centers for Disease Control and Prevention—

''(A) the provision of funds to establish a Lung Cancer Early Detection Program that provides low-income, uninsured, and underserved populations that are at high risk for lung cancer access to early detection services;

''(B) the provision of funds to enable the National Institute for Occupational Safety and Health to conduct research on environmental contaminants strongly associated with lung cancer in the workplace and implement measures to reduce lung cancer risk and provide for an early detection program; and

''(C) a requirement that State, tribal, and territorial plans developed under the National Comprehensive Cancer Control Program include lung cancer mortality reduction measures commensurate with the public health impact of lung cancer.

''(4) With respect to the Agency for Healthcare Research and Quality, the annual review of lung cancer early detection methods, diagnostic and treatment protocols, and the issuance of updated guidelines.

''(5) The cooperation and coordination of all programs for women, minorities, and health disparities within the Department of Health and Human Services to ensure that

all aspects of the Lung Cancer Mortality Reduction Program adequately address the burden of lung cancer on women and minority, rural, and underserved populations.

''(6) The cooperation and coordination of all tobacco control and cessation programs within agencies of the Department of Health and Human Services to achieve the goals of the Lung Cancer Mortality Reduction Program with particular emphasis on the coordination of drug and other cessation treatments with early detection protocols.''.

SEC. 5. DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Defense and the Secretary of Veterans Affairs shall coordinate with the Secretary of Health and Human Services—

(1) in developing the Lung Cancer Mortality Reduction Program under section 399V–6 of the Public Health Service Act, as added by section 4;

(2) in implementing the demonstration project under section 6 within the Department of Defense and the Department of Veterans Affairs with respect to military personnel and veterans whose smoking history and exposure to carcinogens during active duty service has increased their risk for lung cancer; and

(3) in implementing coordinated care programs for military personnel and veterans diagnosed with lung cancer.

SEC. 6. LUNG CANCER SCREENING DEMONSTRATION PROJECT.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that a national computed tomography lung cancer screening demonstration project should be carried out expeditiously in order to assess the public health infrastructure needs and to develop the most effective, safe, equitable, and efficient process that will maximize the public health benefits of screening.

(b) DEMONSTRATION PROJECT IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this Act as the ''Secretary''), in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, the Administrator of the Centers for Medicare & Medicaid Services, and the other members of the Lung Cancer Advisory Board established under section 7 of the Lung Cancer Mortality Reduction Act of 2011, shall establish a demonstration project, to be known as the Lung Cancer Computed Tomography Screening and Treatment Demonstration Project (referred to in this section as the ''demonstration project'').

(c) PROGRAM REQUIREMENTS.—The Secretary shall ensure that the demonstration project—

(1) identifies the optimal risk populations that would benefit from screening;

(2) develops the most effective, safe, equitable and cost-efficient process for screening and early disease management;

(3) allows for continuous improvements in quality controls for the process; and

(4) serves as a model for the integration of health information technology and the concept of a rapid learning into the health care system.

(d) PARTICIPATION.—The Secretary shall select not less than 5 National Cancer Institute Centers, 5 Department of Defense Medical Treatment Centers, 5 sites within the Veterans Affairs Healthcare Network, 5 International Early Lung Cancer Action Program sites, 10 community health centers for minority and underserved populations, and additional sites as the Secretary determines appropriate, as sites to carry out the demonstration project described under this section.

(e) QUALITY STANDARDS AND GUIDELINES FOR LICENSING OF TOMOGRAPHY SCREENING FACILITIES.—The Secretary shall establish quality standards and guidelines for the licensing of hospitals, outpatient departments, clinics, radiology practices, mobile units, physician offices, or other facilities that conduct computed tomography screening for lung cancer through the demonstration project, that will require the establishment and maintenance of a quality assurance and quality control program at each such facility that is adequate and appropriate to ensure the reliability, clarity, and accuracy of the equipment and interpretation of the screening scan and set appropriate standards to control the levels of radiation dose.

(f) TIMEFRAME.—The Secretary shall conduct the demonstration project under this section for a 5-year period.

(g) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress on the projected cost of the demonstration project, and shall submit annual reports to Congress thereafter on the progress of the demonstration project and preliminary findings.

SEC. 7. LUNG CANCER ADVISORY BOARD.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a Lung Cancer Advisory Board (referred to in this section as the ''Board'') to monitor the programs established under this Act (and the amendments made by this Act), and provide annual reports to Congress concerning benchmarks, expenditures, lung cancer statistics, and the public health impact of such programs.

(b) COMPOSITION.—The Board shall be composed of—

(1) the Secretary of Health and Human Services;

(2) the Secretary of Defense;

(3) the Secretary of Veterans Affairs;

(4) the Director of the Occupational Safety and Health Administration;

(5) the Director of the National Institute of Standards and Technology; and

(6) one representative each from the fields of clinical medicine focused on lung cancer, lung cancer research, radiology, imaging research, drug development, minority health advocacy, veterans service organizations, lung cancer advocacy, and occupational medicine to be appointed by the Secretary of Health and Human Services.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

To carry out this Act (and the amendments made by this Act), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2012 through 2016.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 132—RECOGNIZING AND HONORING THE ZOOS AND AQUARIUMS OF THE UNITED STATES

Mr. NELSON of Nebraska (for himself, Mr. DURBIN, Ms. CANTWELL, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 132

Whereas the 223 zoos and aquariums accredited by the Association of Zoos and Aquariums support more than 142,000 jobs nationwide, making such zoos and aquariums a valuable part of local and national economies;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums generate more than $15,000,000,000 in economic activity in the United States annually;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums attract more than 165,000,000 visitors each year and are a valuable part of regional, State, and local tourist economies;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums have formally trained more than 400,000 teachers, and such zoos and aquariums support science curricula with effective teaching materials and hands-on opportunities and host more than 12,000,000 students annually on school field trips;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums provide a unique opportunity for the public to engage in conservation and education efforts, and more than 60,000 people invest more than 3,000,000 hours per year as volunteers at such zoos and aquariums;

Whereas public investment in accredited zoos and aquariums has dual benefits, including immediate job creation and environmental education for children in the United States;

Whereas accredited zoos and aquariums focus on connecting people and animals, and such zoos and aquariums provide a critical link to helping animals in their native habitats;

Whereas according to the Association of Zoos and Aquariums, accredited zoos and aquariums have provided more than $90,000,000 per year over the past 5 years to support more than 4,000 field conservation and research projects in more than 100 countries; and

Whereas many Federal agencies have recognized accredited zoos and aquariums as critical partners in rescue, rehabilitation, confiscation, and reintroduction efforts for distressed, threatened, and endangered species: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the zoos and aquariums of the United States;

(2) commends the employees and volunteers at each zoo and aquarium for their hard work and dedication;

(3) recommends that people in the United States visit their local accredited zoo and aquarium and take advantage of the educational opportunities that such zoos and aquariums offer; and

(4) urges continued support for accredited zoos and aquariums and the important conservation, education, and recreation programs of such zoos and aquariums.

SENATE RESOLUTION 133—TO REQUIRE THAT NEW WAR FUNDING BE OFFSET

Mr. FRANKEN submitted the following resolution; which was referred to the Committee on the Budget:

S. RES. 133

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the ''Pay for War Resolution''.

SEC. 2. DEFICIT-NEUTRAL WAR SPENDING.

(a) IN GENERAL.—For purposes of budget enforcement and except as provided in this section, it shall not be in order for the Senate to consider budget authority for overseas

contingency operations if it increases the on-budget deficit over the period of the budget year and the ensuing 9 fiscal years following the budget year.

(b) OFFSETS.—Budget authority provided for overseas contingency operations in a bill, resolution, amendment, motion, or conference report shall be considered deficit neutral for the purpose of this section if such authority—

(1) is considered subsequent to an Act of Congress that raises revenue for the designated purpose of paying for such overseas contingency operations; or

(2) includes new reductions in spending authority.

(c) IRAQ AND AFGHANISTAN.—For purposes of this section, the following amounts are not required to be offset with respect to the overseas contingency operations in Iraq and Afghanistan:

(1) For fiscal year 2012, $118,000,000,000.

(2) For fiscal years 2013 through 2016, an amount equal to the President's budget request for that fiscal year for overseas contingency operations funds for Iraq and Afghanistan.

(d) BUDGET DETERMINATIONS.—Compliance with this section shall be determined on the basis of estimates provided by the Committee on the Budget of the Senate.

(e) WAIVER AND APPEAL.—

(1) WAIVER.—The provisions of this section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. FRANKEN. Mr. President, I rise to speak on my pay-for-war resolution, which I am submitting today. This resolution would change the way we pay for war spending, and it would change the way we deliberate about going to war.

This is not a symbolic resolution. It would return us to the traditional American way of paying for wars, where the Congress and the Nation confront head-on the financial cost, commitment, and sacrifice of going to war. This is something I believe in strongly. It is an issue I have been working on for months. This did not start with Libya, though Libya certainly gives it a new urgency.

A number of my friends on both sides of the aisle have expressed concerns about the potential costs of the war in Libya, but this resolution is broader than Libya. It is about how we are going to pay for any wars in the future. The resolution seeks to reestablish a fiscally responsible way of paying for our wars.

It is fiscally responsible because it would require that war spending be paid for or offset, as we say in the Senate. It is also morally and politically responsible because it would reestablish the connection between the citizenry of the United States and the cost of going to war—a burden that is now shared solely by the men and women of the military and their families, while the rest is passed on to future generations in the form of debt.

Over the last 10 years, our wars have been paid for by borrowing, mostly from China and other countries willing to finance our debt, and by giant emergency spending bills. That is unusual in American history and, frankly, my resolution is aimed at making sure it stays unusual. Iraq and Afghanistan have cost us well over $1 trillion. In fact, the Congressional Research Service's most recent estimate is that, including this fiscal year, Congress will have approved $1 ¼ trillion for Iraq and Afghanistan—$806 billion for Iraq and $444 billion for Afghanistan.

That is a staggering sum of money, and it has been financed through debt, through borrowing from other countries, and emergency supplemental spending bills which go on our debt. What is more, the Iraq war was accompanied by a massive tax cut. That failed fiscal experiment created the impression that going to war requires no financial sacrifice. We know that is not true.

The question is, Who will bear the financial sacrifice, the generation that has decided to go to war or its children and grandchildren? The Iraq and Afghanistan wars drove up our deficit. They didn't single-handedly create our deficit problem, but they made it much worse. If we are going to fix our deficit problem, rejecting how we finance those wars must be part of the solution.

We have to ensure that the manner of funding—by borrowing—the Iraq and Afghanistan wars remains an anomaly in American history. That is exactly what my resolution seeks to do. It will ensure that future wars don't make our deficit and debt problem worse. It will ensure that Congress and the American people face the financial sacrifice of going to war, and it will force us to decide whether a war is worth that sacrifice.

A huge gap has grown between the majority of the American people and the small proportion who serve in the military. So much sacrifice has been asked of them and their families, yet so little of the rest of us. My resolution will reconnect those who serve and our larger society.

The Obama administration is taking an important step in seeking to reduce reliance on emergency spending bills and, instead, budget for war through the regular budget process. They have included an overseas contingency operations account over and above the budget for the day-to-day operations of the Defense Department. That account is where we now find our war funding. But the improvements the Obama administration has made are not enough. The momentous decision to go to war deserves a way of paying for those wars that matches the seriousness of that decision.

Overseas contingency operations should be paid for. Thus, my resolution simply says that if there is a new overseas contingency operation requiring new funding beyond the Defense base budget, that funding must be offset. It does not specify how that offset is to be found, leaving it up to Congress to decide. Different people have different ideas. Some may propose spending cuts, others may propose revenue increases or a combination of the two. But the bottom line is, Congress must find a way to pay for the cost of new wars we decide to undertake.

More specifically, this pay-for-war resolution creates a point of order so any Senator can object to a legislative proposal that allows for spending on new overseas contingency operations that is not deficit neutral. But it has some flexibilities. First, it allows the cost for war in a given year to be offset over 10 years. Because of how the budgeting process works now, spending cuts must be found in the same year of funding as the war spending. But if there is any offset on the revenue side, it can be spread out over 10 years.

My resolution also allows the offset requirement to be overridden by a vote of 60 Senators. So if three-fifths of us deem it important enough to spend on an overseas contingency operation without paying for it ourselves, that can happen. I believe this fully addresses any concern people might have about unduly tying the hands of the President or of the Congress, for that matter. If there were a genuine emergency that required immediate military response in the short term, and that could not be covered by the base defense budget, my resolution would not tie our hands. Any true emergency would certainly motivate enough of us to vote to waive the point of order.

Similarly, if at a particular time our economic circumstances make it especially ill-advised to offset the spending on a war, we would be able to waive or override the offset requirement with 60 votes here in the Senate.

Let me talk briefly about how this resolution handles Iraq and Afghanistan. Unfortunately, we are where we are on Iraq and Afghanistan. This resolution is not meant to drive policy on those wars. It is forward looking. Earlier I mentioned the Obama administration's praiseworthy effort to reduce reliance on emergency supplemental spending bills. My resolution would strengthen that effort by exempting the spending on those wars from this offset requirement but only up to the amount of the President's regular budget request. Anything above that cap would be subject to the offset requirement. For example, for fiscal year 2012 the President requested $118 billion for Iraq and Afghanistan. Any costs over and above that request would need to be offset. That number should go down as we draw down from Iraq and Afghanistan. This idea is derived, by the way, from a recommendation of the President's fiscal commission.

The idea that we should pay for our wars is not a Democratic idea. It is not

a Republican idea. It is not left or right, it is not antiwar, it is not prowar—it is common sense. That is why my resolution has garnered expressions of support from a diverse range of organizations and defense and budget experts. It is supported by the Center for American Progress Action Fund, by the Bipartisan Policy Center, and by the Committee for a Responsible Federal Budget. Noted fiscal hawk David Walker, the former Comptroller General of the United States, has expressed his support. So has Maya MacGuineas of the Committee for a Responsible Federal Budget.

A number of experts have stated the rationale for the bill very powerfully. Here is what Michael O'Hanlon of the Brookings Institution said:

Senator Franken's proposal is serious and smart. It seeks to remedy a major problem of the last decade—fighting wars while not asking the broader nation for sacrifice and commitment and meanwhile racking up Federal debt in a way that endangers the economic progress of future generations.

Here is what William Niskanen and Ben Friedman of the Cato Institute said:

Democracies cannot accurately evaluate policies with hidden costs. Deficit financing sends war bills to future taxpayers. That limits the extent to which voters and their Representatives weigh the wars' costs against other priorities. The effect is to make war feel cheaper than it is.

Here is what Dean Baker of the Center for Economic and Policy Research said:

The vast majority of people in the country have no direct connection to the people serving in the military. If we think that a situation requires the men and women in our military to risk their own lives, then the rest of us should at least be willing to pay for the costs of this adventure with our tax dollars.

My resolution makes budgetary sense and it makes moral and political sense. That is why I am confident my resolution will garner the support of my colleagues and of the American people. I think Americans understand that the way we have gone about paying for the wars in Iraq and Afghanistan—by borrowing and putting the financial burden on later generations instead of taking it on ourselves—is not good budgeting and, frankly, it is not good decisionmaking about war. Right now we are hiding the costs of war by shifting their financial burden to future generations and we are refusing to consider the real sacrifices that war requires of a nation—not just the members of the military. That has to change. We need to start paying for war and it needs to be part of the larger conversation about how we address our Nation's deficit and debt.

SENATE RESOLUTION 134—SUPPORTING THE DESIGNATION OF APRIL AS PARKINSON'S AWARENESS MONTH

Ms. STABENOW (for herself, Mr. ISAKSON, Mr. UDALL of Colorado, Mr. JOHANNS, and Mrs. HUTCHISON) submitted the following resolution; which was considered and agreed to:

S. RES. 134

Whereas Parkinson's disease is the second most common neurodegenerative disease in the United States, second only to Alzheimer's disease;

Whereas even though there is inadequate comprehensive data on the incidence and prevalence of Parkinson's disease, as of 2011, it is estimated that the disease affects over 1,000,000 people in the United States;

Whereas although research suggests the cause of Parkinson's disease is a combination of genetic and environmental factors, the exact cause and progression of the disease is still unknown;

Whereas there is no objective test for Parkinson's disease, and the rate of misdiagnosis can be high;

Whereas symptoms of Parkinson's disease vary from person to person and include tremors, slowness, difficulty with balance, swallowing, chewing, and speaking, rigidity, cognitive problems, dementia, mood disorders, such as depression and anxiety, constipation, skin problems, and sleep disruptions;

Whereas medications mask some symptoms of Parkinson's disease for a limited amount of time each day, often with dose-limiting side effects;

Whereas ultimately the medications and treatments lose their effectiveness, generally after 4 to 8 years, leaving the person unable to move, speak, or swallow;

Whereas there is no cure, therapy, or drug to slow or halt the progression of Parkinson's disease; and

Whereas increased education and research are needed to help find more effective treatments with fewer side effects and, ultimately, an effective treatment or cure for Parkinson's disease;

Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of April as Parkinson's Awareness Month;

(2) supports the goals and ideals of Parkinson's Awareness Month;

(3) continues to support research to find better treatments, and eventually, a cure for Parkinson's disease;

(4) recognizes the people living with Parkinson's who participate in vital clinical trials to advance knowledge of this disease; and

(5) commends the dedication of local and regional organizations, volunteers, and millions of Americans across the country working to improve the quality of life of persons living with Parkinson's disease and their families.

SENATE CONCURRENT RESOLUTION 11—EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO THE OBAMA ADMINISTRATION'S DISCONTINUING TO DEFEND THE DEFENSE OF MARRIAGE ACT

Mr. INHOFE submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 11

Whereas on February 23, 2011, President Barack Obama ordered the Department of Justice to drop its defense of a central part of the 1996 law that bars the Federal Government from recognizing same-sex unions, the Defense of Marriage Act (adding section 7 of title 1, United States Code), and both President Obama and Attorney General Eric Holder concluded the law is unconstitutional;

Whereas President Obama himself has said that marriage is something sanctified between a man and a woman;

Whereas, passed by significant majorities in both chambers of Congress and signed into law by President Bill Clinton, the Defense of Marriage Act has never been overturned in any Federal lawsuit challenging that Act's constitutionality by a Federal court, yet the Department of Justice has decided not to defend that Act in Federal court;

Whereas, on the contrary, the Department of Justice is vigorously defending in numerous Federal courts across the country President Obama's signature health care reform law, the Patient Protection and Affordable Care Act (Public Law 111–148), and the related Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), after the bills involved barely passed both chambers of Congress on party line votes, and whose critical individual mandate provision has been declared unconstitutional by separate Federal district courts in the cases of Florida v. United States Department of Health and Human Services, Case No.: 3:10–cv–91–RV/EMT (N.D. Fla., Jan. 31, 2011), and Virginia ex rel. Cuccinelli v. Sebelius, 728 F. Supp. 2d 768 (E.D. Va. 2010); and

Whereas the vast majority of Americans believe that marriage should continue to be what it always has been—the legal and spiritual union between one man and one woman: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the Obama administration's direction that the Department of Justice should discontinue defending the Defense of Marriage Act; and

(2) demands that the Department of Justice continue to defend the Defense of Marriage Act in all instances.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on April 6, 2011.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 6, 2011, at 9:30 a.m., to conduct a hearing entitled ''The Role of the Accounting Profession in Preventing Another Financial Crisis.''

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 6, 2011, at 9:15 a.m. in Dirksen 406 to hold a hearing entitled, ''State and Local Perspectives on Transportation.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 6, 2011, at 10 a.m., to hold a hearing entitled, ''Perspectives on the Crisis in Libya.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 6, 2011, at 2:30 p.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 6, 2011, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on April 6, 2011, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Electronic Communications Privacy Act: Government Perspectives on Protecting Privacy in the Digital Age.''

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on April 6, 2011. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 10 a.m.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on April 6, 2011, at 1:30 p.m. to conduct a hearing entitled ''Census: Learning Lessons from 2010, Planning for 2020.''

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

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER PROTECTION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Financial Institutions and Consumer Protection be authorized to meet during the session of the Senate on April 6, 2011, at 3 p.m., to conduct a hearing entitled ''The State of Community Banking: Opportunities and Challenges.''

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on April 6, 2011, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Robyn Varner, have floor privileges for the remainder of the day.

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

PARKINSON'S AWARENESS MONTH

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 134, introduced earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 134) supporting the designation of April as Parkinson's Awareness Month.

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

Mrs. HUTCHISON. Mr. President, Dr. James Parkinson first identified the symptoms of this debilitating disease in 1817, and now an estimated 1.5 million Americans are currently living with Parkinson's. Despite major advances in modern technology and the establishment of the Parkinson's Disease Research Agenda more than 10 years ago, we regrettably still do not know the cause, and we are still looking for a cure.

Parkinson's disease is a degenerative brain disorder with major symptoms such as tremors, trouble walking, and speech difficulties. The number of people being diagnosed with Parkinson's continues to rise. The newest treatments are coming from cutting edge medical innovations, like deep brain stimulation. However, we can and must do more to keep pushing the boundaries to find better therapies and hopefully, very soon, a cure. This requires a continued national commitment to biomedical research.

The National Institutes of Health is the largest contributor to Parkinson's research, along with the Department of Veteran Affairs and the Department of Defense. Texas has committed to leading the way in Parkinson's disease research and has received more than $2.7 million in Federal funds. These dollars are being put to use at some of our top university and medical research facilities across the State, including: the University of Texas, Baylor College of Medicine, Texas Tech University Health Science Center, and the Audie L. Murphy VA Medical Center in San Antonio.

Today, I am proud to recognize April as Parkinson's Awareness Month, and I hope that this will not only raise awareness of this devastating disease, but will also renew focus and vigor to the fight to treat and ultimately eliminate Parkinson's disease.

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

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

The resolution (S. Res. 134) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 134

Whereas Parkinson's disease is the second most common neurodegenerative disease in the United States, second only to Alzheimer's disease;

Whereas even though there is inadequate comprehensive data on the incidence and prevalence of Parkinson's disease, as of 2011, it is estimated that the disease affects over 1,000,000 people in the United States;

Whereas although research suggests the cause of Parkinson's disease is a combination of genetic and environmental factors, the exact cause and progression of the disease is still unknown;

Whereas there is no objective test for Parkinson's disease, and the rate of misdiagnosis can be high;

Whereas symptoms of Parkinson's disease vary from person to person and include tremors, slowness, difficulty with balance, swallowing, chewing, and speaking, rigidity, cognitive problems, dementia, mood disorders, such as depression and anxiety, constipation, skin problems, and sleep disruptions;

Whereas medications mask some symptoms of Parkinson's disease for a limited amount of time each day, often with dose-limiting side effects;

Whereas ultimately the medications and treatments lose their effectiveness, generally after 4 to 8 years, leaving the person unable to move, speak, or swallow;

Whereas there is no cure, therapy, or drug to slow or halt the progression of Parkinson's disease; and

Whereas increased education and research are needed to help find more effective treatments with fewer side effects and, ultimately, an effective treatment or cure for Parkinson's disease;

Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of April as Parkinson's Awareness Month;

(2) supports the goals and ideals of Parkinson's Awareness Month;

(3) continues to support research to find better treatments, and eventually, a cure for Parkinson's disease;

(4) recognizes the people living with Parkinson's who participate in vital clinical trials to advance knowledge of this disease; and

(5) commends the dedication of local and regional organizations, volunteers, and millions of Americans across the country working to improve the quality of life of persons living with Parkinson's disease and their families.

ORDERS FOR THURSDAY, APRIL 7, 2011

Mr. DURBIN. Mr. President, I ask unanimous consent when the Senate completes its business today, it recess until 10 a.m. on Thursday, April 7; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes; further, that Senator HOEVEN be recognized at noon for up to 25 minutes to deliver his maiden speech to the Senate.

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

PROGRAM

Mr. DURBIN. Mr. President, we continue to work to complete action on the small business bill. We also hope to deal with the continuing resolution by the end of the week. Senators will be notified when votes are scheduled.

RECESS UNTIL 10 A.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent the Senate recess until 10 a.m. tomorrow.

There being no objection, the Senate, at 7:10 p.m., recessed until Thursday, April 7, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

D. BRENT HARDT, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CO-OPERATIVE REPUBLIC OF GUYANA.

DONALD W. KORAN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF RWANDA.

GEETA PASI, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF DJIBOUTI.

THE JUDICIARY

SHARON L. GLEASON, OF ALASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ALASKA, VICE JOHN W. SEDWICK, RETIRED.

SUSAN OWENS HICKEY, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF ARKANSAS, VICE HARRY F. BARNES, RETIRED.

DEPARTMENT OF DEFENSE

ALAN F. ESTEVEZ, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE. (NEW POSITION)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. TIMOTHY J. LEAHY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID S. FADOK

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF ENGINEERS/COMMANDING GENERAL, UNITED STATES ARMY CORPS OF ENGINEERS, AND APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3036:

To be lieutenant general

LT. GEN. THOMAS P. BOSTICK

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. WILLIAM H. MCRAVEN

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

DEPARTMENT OF STATE

PATRICIA M. AGUILO, OF NEW HAMPSHIRE
CHRISTINA PAULA ALMEIDA, OF RHODE ISLAND
MARIA C. ALVARADO, OF NEW MEXICO
RYAN DAVID BALLOW, OF ALASKA
JOELLE-ELIZABETH BEATRICE BASTIEN, OF MARYLAND
CANDACE L. BATES, OF ALABAMA
OSBORNE DAVIS BURKS III, OF TENNESSEE
G. WARREN CHANE, JR., OF ARIZONA
PIERCE MICHAEL DAVIS, OF FLORIDA
KIMBERLY A. DURAND-PROUD, OF MASSACHUSETTS
ALICE H. EASTER, OF NEW YORK
RAMON JAMES ESCOBAR, OF WISCONSIN
CANDACE LYNN FABER, OF WASHINGTON
ELLIOT C. FERTIK, OF VIRGINIA
MICHAEL RODNEY FRASER, OF NEW YORK
ANGELA SAGER GIRARD, OF TEXAS
RACHEL C. GRACIANO, OF WASHINGTON
BREANNA LENORE GREEN, OF MINNESOTA
ALAMANDA LAVERNE GRIBBIN, OF FLORIDA
RUBEN HARUTUNIAN, OF MARYLAND
EMILY JEANETTE HICKS, OF TEXAS
AJANI BARCLAY HUSBANDS, OF TEXAS
TIM HUSON, OF CALIFORNIA
STEVEN J. JACOB, OF VIRGINIA
ANTHONY M. JONES, OF VIRGINIA
KELLY CHRISTINE LANDRY, OF GEORGIA
DAVID ANTOINE LEWIS, OF NEW MEXICO
PHILLIP L. LOOSLI, OF CALIFORNIA
CHRISTEN CLAIRE MACHAK, OF OHIO
JONATHAN JAMES NELLIS, OF MARYLAND
JENNIFER LORAINE ORRICO, OF WISCONSIN
ANGELA J. PALAZZOLO, OF VIRGINIA
CLARENCE JASEN PETERSON, OF MICHIGAN
DOMINIC PETER RANDAZZO, OF TEXAS
JANE RHEE, OF TEXAS
RACHAEL SCHMITT, OF ILLINOIS
HEIDY SERVIN-BAEZ, OF OREGON
DIONANDREA FRANCINE SHORTS, OF COLORADO
HYUN BO SIM, OF TENNESSEE
SARAH ANNEMARIE SIMONS, OF CALIFORNIA
MICHELLE BERNADETTE TAYLOR, OF CALIFORNIA
JAMI JELENA THOMPSON, OF INDIANA
DALEYA S. UDDIN, OF TEXAS
ANNY HONG AN TRINH VU, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

BRIDGETTE CLARK, OF ALABAMA

DEPARTMENT OF STATE

JONATHAN DANIEL ADAMS, OF NEW YORK
BRANDON BARON, OF FLORIDA
TANYA R. BROTHEN, OF VIRGINIA
ELIZABETH S. CHAN, OF CALIFORNIA
GEOFFREY CHANIN, OF PENNSYLVANIA
HOWARD H. CHYUNG, OF NEW YORK
D. BRENT CORBY, OF VIRGINIA
SANDRA PATRICIA CORTINA, OF THE DISTRICT OF COLUMBIA
ROBERT J. CROTTY, OF VIRGINIA
EDWARD E. DAIZOVI, OF INDIANA
CHRISTOPHER J. DOSTAL, OF PENNSYLVANIA
BENJAMIN J. GIBSON, OF MICHIGAN
ARIEL MICHAEL GORE, OF ILLINOIS
TRAVIS J. HALL, OF COLORADO
KRISTIN KARIN HAWKINS, OF VIRGINIA
HEIDI HERSCHEDE, OF WISCONSIN
JONATHAN P. HERZOG, OF OREGON
SHARLINA HUSSAIN, OF NEW YORK
MEGAN R. IHRIE, OF NORTH CAROLINA
RYAN SCOTT INGRASSIA, OF CALIFORNIA
ANDREW WINDSOR JENKINS, OF TEXAS
LISA SCHUYLER JEWELL, OF ILLINOIS
HEATHER LYNNE JOHNSTON, OF WASHINGTON
E. CAMERON JONES, OF MASSACHUSETTS
SALMAN KHAN, OF MISSOURI
SPENCER ADAM MAGUIRE, OF THE DISTRICT OF COLUMBIA
FLORENCE MADALYN MAHER, OF NEVADA
REBECCA E. MARQUEZ, OF MINNESOTA
JACQUELINE DENISE MOUROT, OF TEXAS
VINCENT M. MUT-TRACY, OF MASSACHUSETTS
MARK L. NEIGHBORS, OF VIRGINIA
DANIEL WESLEY NEWMAN, OF NEW YORK
JAMES P. NUSSBAUMER, OF OREGON
LAWRENCE DAVID PIXA, OF WASHINGTON
CHRISTINE ANANDA PRINCE, OF VIRGINIA
AJAY SHASHIKANT RAO, OF NEW MEXICO
CAROLYN JOY RATZLAFF, OF MICHIGAN
ABIGAIL ELIZABETH RICHEY-ALLEN, OF MINNESOTA
ANNA ELIZABETH RICHEY-ALLEN, OF MINNESOTA
INNA ROTENBERG, OF MARYLAND
SARAH SAPERSTEIN, OF VIRGINIA
MARK JOSEPH SCHLINK, OF THE DISTRICT OF COLUMBIA
SCOTT EVAN SCHLOSSBERG, OF CALIFORNIA
HILLEARY CARTER SMITH, OF MASSACHUSETTS
MATTHEW STEPHENSON, OF THE DISTRICT OF COLUMBIA
KATHERINE LINDSAY SUPLICK, OF MINNESOTA
MARY G. SWARTZ, OF MARYLAND
SARAH J. TALALAY, OF FLORIDA
EDWARD CORNELIOUS THOMPSON, OF ILLINOIS
MAUREEN PATRICIA VAHEY, OF DELAWARE
HELEN HOUSTON VAN WAGONER, OF VIRGINIA
ANNA WANG, OF VIRGINIA
HERMEN Y. YEE, OF MASSACHUSETTS
MICHELLE ZJHRA, OF WASHINGTON

WITHDRAWAL

Executive message transmitted by the President to the Senate on April 6, 2011 withdrawing from further Senate consideration the following nomination:

ALAN F. ESTEVEZ, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIEL READINESS. (NEW POSITION), WHICH WAS SENT TO THE SENATE ON MARCH 14, 2011.